



# TOWN OF WAXHAW

P.O. Box 6  
1150 N. Broome St. Waxhaw, N.C 28173  
Telephone (704) 843-2195 Fax (704) 843-2196  
www.waxhaw.com

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Hours: Monday-Friday 8:00 a.m. to 5:00 p.m.

## **MAYOR**

DAUNE GARDNER

## **TOWN COMMISSIONERS**

MICHAEL STEWART (Mayor Pro-Tem)

PAUL FITZGERALD

JOHN HUNT

STEPHEN MAHER

JAMES WARNER

## **TOWN MANAGER**

GREG MAHAR (Interim)

## **TOWN CLERK**

MELODY SHULER

February 16, 2015

Planning Board Regular Meeting Agenda

Waxhaw Police Department Community Meeting Room, 6:30 pm

### **Special Called Meeting**

1. Call to Order
2. Roll Call and Determination of Quorum
3. Work Session
4. Unfinished Business
5. New Business
  - A. RZ-003080-2015 - A request by McCray Smith, on behalf of Cray, Inc., for a rezoning/map amendment on parcel 06-138-001 from R4 (Single-family Residential) to C1 (Neighborhood Commercial) located at 3808 S. Providence Road.
  - B. TA-003098-2015 - A request by staff, on behalf of the Board of Commissioners, to amend Section 16.1.9 Effect of Denial on Subsequent Petitions and Section 16.2.11 Twelve-month Limitation on Re-application of the Waxhaw Unified Development Ordinance to revise the requirements with regard to the twelve-month resubmission period on re-application after a denial of a rezoning or conditional rezoning application by the Board of Commissioners.
6. Other Business - Update on previous case(s) heard by the Planning Board
7. Minutes for correction and approval: January 20, 2015 special called meeting
8. Adjournment

*\*\*Public comment (up to 3 minutes) is allowed on any item on the agenda and is limited to residents of the Town or persons having a material interest in the Town.\*\**

**Rezoning Petition RZ-003080-2015  
3808 Providence Road South**

**EXPLANATION OF THE REQUEST**

Petition RZ-003080-2015 is a request by McCray Smith, on behalf of Cray, Inc., for a rezoning/map amendment on parcel 06-138-001 from R4 (Single-family Residential) to C1 (Neighborhood Commercial) located at 3808 S. Providence Road.

**LOCATION AND CURRENT LAND USE**

The property is located at 3808 S. Providence Road and has frontage on S. Providence Road and Red Oaks Trail. The property currently has a single-family residence located on it. The property is 0.91 acres in size.

- Condition and land use of the surrounding properties. The adjoining properties are:
  - To the north – Two single-family residences along S. Providence Road zoned R3 (Single-family Residential) and one single-family residence located in the Kingston on Providence subdivision zoned R4 (Single-family Residential).
  - To the east – Across S. Providence Road is a vacant wooded parcel zoned C1 (Neighborhood Commercial).
  - To the south – Across Red Oaks Trail is a vacant wooded parcel zoned CU-C1 (Conditional Use Neighborhood Commercial).
  - To the west – A single-family residence that is part of The Oaks on Providence subdivision zoned R4 (Single-family Residential).

**EXISTING ZONING & LAND USE**

The subject property is zoned R4 (Single-family Residential). According to Section 4.1.4 of the UDO (Unified Development Ordinance):

“The purpose of the R-4, Single Family Residential District is to provide for the residential use of land developed in a high density pattern. The principal structure of the R-4 zoning district is the single-family detached dwelling.”

According to Section 11 of the UDO the minimum lot size in the R4 zoning district is 12,000 sq. ft.

**2030 COMPREHENSIVE PLAN / FUTURE LAND USE MAP / HIGHWAY 16  
CORRIDOR PLAN**

The Future Land Use Map from the 2030 Comprehensive Plan shows the property as Medium Density Residential and within the Providence Road Corridor Buffer which are described in the plan as follows:

**“Medium Density Residential.** These areas include existing and future areas for development of more dense residential neighborhoods that provide a diversity of housing types and housing options. Areas include single-family detached units, mobile homes, townhouses, duplexes, condominiums, apartments, senior housing, and other multi-family dwelling units, depending upon the character of existing neighborhoods. Housing densities should range from 3-8 dwelling units per acre. Other types of uses that may

occur are schools, parks, and some neighborhood commercial uses, such as coffee shops and small corner grocery stores.”

**“Providence Road Corridor.** This classification designates a corridor along Providence Road (NC-16) - the primary road corridor through Waxhaw - that has been identified for additional planning. A plan for this corridor should include recommendations for specific design standards, such as building orientation, location and amount of parking, pedestrian and bicycle facilities, signage, and architectural requirements. Standards should also address transportation design, such as access management.”

The Providence Road Corridor calls for further planning as was recently completed in the adoption of the Highway 16 Corridor Plan. The regulating plan from the Highway 16 Corridor Plan for this property calls for NMX (Neighborhood Mixed Use) which is described in in Section 4.1.17.B as:

**“Neighborhood Mixed Use (NMX):** The Neighborhood Mixed Use District consists of higher density, mixed use buildings that accommodate retail, offices, townhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.”

**PLANNING STAFF ANALYSIS**

The property is currently single-family residential and adjacent to single-family residential properties. There is C1 and CU-C1 zoning across S. Providence Road and Red Oaks Trail respectively, however they are not immediately adjacent to the property and they remain vacant and undeveloped.

The Future Land Use Map in the 2030 Comprehensive Plan calls for Medium Density Residential and the property is located within the Providence Road Corridor. Medium Density Residential allows some neighborhood commercial uses, including coffee shops and small corner grocery stores which is in keeping with the requested C1 (Neighborhood Commercial) zoning district. The Providence Road Corridor states that further study is needed and this was achieved with the adoption of the Highway 16 Corridor Plan. The regulating plan contained in the Highway 16 Corridor Plan depicts the property as NMX zoning, which is in keeping with the C1 zoning district.

**PLANNING STAFF RECOMMENDATION**

The requested rezoning is in keeping with the 2030 Comprehensive Plan and Future Land Use Map and the Highway 16 Corridor Plan. This rezoning is a general rezoning request to C1 (Neighborhood Commercial), and therefore, no conditions can be placed on the approval and any use allowed in C1 could be placed on this parcel. A Zoning Table of Uses from the UDO is attached for your reference to see the uses that are allowed in the C1 zoning district.

The applicant has indicated to staff that the property would be used for an office if the general rezoning is approved, however, since this is a general rezoning request, the applicant could use the site for any use allowed in C1. Staff feels that some uses in the C1 zoning district may not be suitable for this property. Since this property is immediately adjacent to single-family residential properties and is under an acre, staff recommends that a Conditional District Rezoning would be more appropriate for the property. With a Conditional District Rezoning, conditions could be imposed by the Board of Commissioners and uses could be limited to those sensitive to the neighboring residential properties.

Staff does not recommend approval of the proposed rezoning RZ-003080-2015. However, given the recommendations of the 2030 Comprehensive Plan and associated Future Land Use Plan as well as the Highway 16 Corridor Plan, staff feels that a Conditional District Rezoning with limited uses and conditions that are sensitive to the surrounding single-family residential properties might be appropriate.

*Submitted By: Lisa McCarter*

Zoning Table of Uses (Amended 7-22-14)\*

| USE   | SUPPLEMENTAL REGULATIONS | R-1 | R-2 | R-3 | R-4 | RM-1 | RM-2 | OIS | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|---|--------------------------|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|-----|
| ABC Store   |                          |     |     |     |     |      |      |     |     |     | X   |     |     |     |
| Accessory Structure (accessory to principal use)                                  | 9.20, 11.3.80            | XS  | XS  | XS  | XS  | XS   | XS   | XS  | XS  | XS  | XS  | XS  | XS  | XS  |
| Adult Care Center (See Day Care Center)   |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Adult Establishment   | 11.3.1                   |     |     |     |     |      |      |     |     |     |     |     |     | CS  |
| Air Conditioning Supply and Service (See Electric, Heating,...Supplies and Sales) |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Amusement Park (Outdoors)   | 11.3.2                   |     |     |     |     |      |      |     |     |     | CS  |     | CS  | CS  |
| Animal Grooming Establishment   | 11.3.3                   |     |     |     |     |      |      |     |     | CS  | CS  | CS  | CS  | XS  |
| Animal Hospital (no outdoor runs)   | 11.3.4                   |     |     |     |     |      |      |     | XS  | XS  | XS  |     | XS  | XS  |
| Animal Hospital (with outdoor runs)   | 11.3.4                   |     |     |     |     |      |      |     |     | CS  | CS  |     | CS  | XS  |
| Animal Kennel   | 11.3.4                   |     |     |     |     |      |      |     |     | CS  |     |     | CS  | CS  |
| Animal Shelter  | 11.3.4                   |     |     |     |     |      |      |     |     |     |     |     |     | CS  |
| Animal Supply Store   |                          |     |     |     |     |      |      |     | X   | X   | X   | X   | X   | X   |
| Antique Store   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Apparel Store (See Clothing, Footwear, and Apparel Store)                         |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Appliance Sales and Repair (Indoor Storage)                                       |                          |     |     |     |     |      |      |     | X   | X   | X   | C   |     |     |
| Appliance Sales and Repair (Outdoor Storage)                                      | 11.3.5                   |     |     |     |     |      |      |     |     |     |     |     |     | CS  |
| Art Gallery   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Art Supply Store  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Auditorium, Assembly Hall as the principal use                                    |                          |     |     |     |     |      |      |     |     |     | C   | C   | C   | C   |
| Auto, Truck, Boat, Motorcycle Sales   | 11.3.22, 11.3.44         |     |     |     |     |      |      |     |     |     | CS  |     | CS  | XS  |
| Automobile Body Shop  | 11.3.6, 11.3.22          |     |     |     |     |      |      |     |     |     |     |     | CS  | XS  |
| Automobile Broker   |                          |     |     |     |     |      |      |     |     | C   |     |     | X   | X   |
| Automobile Club   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Automobile Detailing Shops  | 11.3.7, 11.3.22          |     |     |     |     |      |      |     |     |     | CS  | C   | XS  | XS  |
| Automobile Parking Lot and Structures (Principal Use)                             |                          |     |     |     |     |      |      |     | X   | X   | X   | C   | X   |     |
| Automobile Parts and Repair Store   | 11.3.6                   |     |     |     |     |      |      |     |     |     |     |     | XS  | X   |
| Automobile Parts and Supply Store   | 11.3.8                   |     |     |     |     |      |      |     |     | XS  | XS  | XS  | XS  | XS  |
| Automobile Repair Shop  | 11.3.6, 11.3.22          |     |     |     |     |      |      |     |     |     | CS  | C   | CS  | CS  |
| Automobile Salvage Yards (See Junkyard and Automobile Salvage)                    |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Automobile Service Station  | 11.3.9, 11.3.22          |     |     |     |     |      |      |     |     | CS  | CS  | C   |     |     |
| Automobile Towing and Wrecker Service   | 11.3.22                  |     |     |     |     |      |      |     |     |     |     |     | CS  | XS  |
| Automobile Wash (Self-Serve)  | 11.3.10                  |     |     |     |     |      |      |     |     | CS  | CS  |     | CS  | XS  |
| Automobile Wash (Automatic)   | 11.3.11, 11.3.22         |     |     |     |     |      |      |     |     | CS  | CS  |     | CS  | XS  |
| Bait & Tackle Shop  |                          |     |     |     |     |      |      |     |     | X   | X   |     |     |     |

NOTES

X - Permitted Use

XS - Permitted Use With Supp. Regs.

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\* Reference Sect. 21 Downtown

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Zoning Table of Uses (Amended 7-22-14)\*

| USE  | SUPPLEMENTAL REGULATIONS | R-1 | R-2 | R-3 | R-4 | RM-1 | RM-2 | OIS | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|--|--------------------------|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|-----|
| Bakery (Retail)  | 11.3.67                  |     |     |     |     |      |      |     | XS  | XS  | XS  | XS  | XS  | XS  |
| Banks, Savings and Loan, Credit Union (See Financial Institution)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Bank Teller Machines, Outdoor (Principal or Accessory Use)   | 11.3.22, 11.3.78         |     |     |     |     |      |      |     | XS  | XS  | XS  | XS  |     |     |
| Barn, Horse  | 11.3.14                  | CS  | CS  | CS  | CS  |      |      |     |     |     |     |     |     |     |
| Barber/Beauty Shop   | 11.3.13                  |     |     |     |     |      |      | XS  | X   | X   | X   | X   |     |     |
| Beauty Supply and Cosmetics Store  |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Bed and Breakfast Inn  | 11.3.15                  | CS  | CS  | CS  | CS  | CS   | CS   | XS  | XS  | XS  | XS  | CS  |     |     |
| Bicycle Sales/Service  | 11.3.22                  |     |     |     |     |      |      |     | CS  | XS  | XS  | XS  |     |     |
| Billiard Parlor (See Pool Hall)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Blueprint and Drafting Service   |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Boat Sales (See Auto, Truck, Boat...Sales)   |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Book Store   |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Bowling Lanes  |                          |     |     |     |     |      |      |     |     |     | C   |     | X   | X   |
| Building and Home Materials Center   | 11.3.16, 11.3.22         |     |     |     |     |      |      |     |     |     | CS  |     | XS  |     |
| Bus Passenger Station  | 11.3.22                  |     |     |     |     |      |      |     |     | XS  | XS  |     |     |     |
| Cabinet and Woodwork Shops   | 11.3.67                  |     |     |     |     |      |      |     |     |     |     | XS  | XS  | XS  |
| Camera and Photography Supply Store  |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Camping and Recreational Vehicle Park  | 11.3.17, 11.3.22         |     |     |     |     |      |      |     |     |     |     |     | CS  | CS  |
| Candy and Nut Store  |                          |     |     |     |     |      |      | C   | X   | X   | X   | X   |     |     |
| Car Wash (See Automobile Wash)   |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Card Shop (See Gift, Novelty, and Souvenir Shop)   |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Carpet Store (See Floor Covering Store)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Catalogue Sales Store  |                          |     |     |     |     |      |      |     | X   | X   | X   |     |     |     |
| Catering Establishment   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Cemetery/Columbarium (Accessory Use)   | 11.3.18                  | XS  | XS  | XS  | XS  | XS   | XS   | XS  | XS  | XS  | XS  |     |     |     |
| Cemetery/Columbarium (Principal Use)   | 11.3.18                  | XS  | XS  | XS  | XS  | XS   | XS   | XS  | XS  | XS  | XS  |     |     |     |
| Child (day) Care Facilities (see Day Care Center)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| China and Tableware Shop   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Church/House of Worship  | 11.3.19                  | XS  | XS  | XS  | XS  | XS   | XS   | XS  | XS  | XS  | XS  | XS  |     |     |
| Circuses, carnivals, exhibit shows, trade shows, races, stage shows, religious events, arts and crafts shows, etc. | 11.3.22                  |     |     |     |     |      |      |     |     |     | CS  | CS  | CS  | CS  |
| Cleaning and Maintenance Service, Building   |                          |     |     |     |     |      |      |     |     |     | X   |     | X   | X   |
| Clock and Watch Sales and Repair Shop  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Cloth Store (See Sewing, Cloth, and Notions Store)   |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Clothing, Footwear, and Apparel Store  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |

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|---|--------------------------|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|-----|
| Clubs, Entertainment  | 11.3.22                  |     |     |     |     |      |      |     |     |     | CS  |     | CS  |     |
| Coin and Stamp Shop   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Cold Storage Plants   |                          |     |     |     |     |      |      |     |     |     |     |     | C   | C   |
| College/University  |                          |     |     |     |     |      |      |     |     |     | C   |     | X   | X   |
| Commercial Vehicle Storage and/or Operations Center                       | 11.3.68                  |     |     |     |     |      |      |     |     |     |     |     |     | CS  |
| Community Center  | 11.3.20                  |     |     |     |     |      |      |     | CS  | CS  | XS  | XS  |     |     |
| Community Garden  | 11.3.82                  | XS  | XS  | XS  | XS  | XS   |      | XS  |
| Computer and Data Processing Sales and Service                            |                          |     |     |     |     |      | XS   |     |     | X   | X   | C   |     |     |
| Computer Store (See Office Equipment and Computer Store)                  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Conference / Convention Center  |                          |     |     |     |     |      |      |     |     | C   | C   |     | C   | C   |
| Consignment Shop (See Second Hand and Consignment Shops)                  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Continuing Care Facility  | 11.3.23                  |     |     |     |     | CS   |      | XS  | XS  | XS  | XS  |     |     |     |
| Contractor's Office (no outside storage)                                  |                          |     |     |     |     |      | CS   |     | X   | X   | X   | X   |     |     |
| Contractors' Storage and Equipment Yard                                   | 11.3.22, 11.3.24         |     |     |     |     |      |      |     |     |     |     |     |     | C S |
| Convenience Store (With Retail Fuel Sales)                                | 11.3.22, 11.3.25         |     |     |     |     |      |      |     |     | CS  | CS  | CS  |     |     |
| Convenience Store (Without Retail Fuel Sales)                             | 11.3.25                  |     |     |     |     |      |      |     | CS  | CS  | CS  | CS  |     |     |
| Copying Service (See Photocopying Service)                                |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Correctional Facility, Jails, Penal Institutions                          | 11.3.26                  |     |     |     |     |      |      |     |     |     |     |     |     | CS  |
| Cosmetics Store (See Beauty Supply and Cosmetics Store)                   |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Costume Rental Store (See Formal Wear and Costume Rental Store)           |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Country Club  |                          | C   | C   | C   | C   | C    |      |     |     | C   | C   |     |     |     |
| Craft Shop (See Hobby, Toy, and Craft Shop)                               |                          |     |     |     |     |      | C    |     |     |     |     |     |     |     |
| Craft Studio  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Crematoria  |                          |     |     |     |     |      |      |     |     |     |     |     | C   | C   |
| Dance School (See School for the Arts)                                    |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Dairy, Ice Cream & Coffee Shops   | 11.3.21                  |     |     |     |     |      |      |     | XS  | XS  | XS  | XS  |     |     |
| Day Care Center, Principal Use or Separate Use                            | 11.3.31                  | CS  | CS  | CS  | CS  | CS   |      | XS  | XS  | XS  | XS  | XS  | XS  |     |
| Day Care Center, in Single Family Structure and up to 8 Children/Persons  | 11.3.27                  | XS  | XS  | XS  | XS  | XS   | XS   | XS  | XS  | XS  | XS  | XS  | XS  |     |
| Day Care Center, in Single Family Structure from 9 to 12 Children/Persons | 11.3.28                  | XS  | XS  | XS  | XS  | XS   | XS   | XS  | XS  | XS  | XS  | XS  | XS  |     |
| Day Care Center, Located in Church or School, up to 50 Children/Persons   | 11.3.29                  | CS  | CS  | CS  | CS  | CS   | CS   | XS  | XS  | XS  | XS  | XS  | XS  |     |
| Day Care Center, Located in Church or School, over 50 Children/Persons    | 11.3.30                  | CS  | CS  | CS  | CS  | CS   | CS   | XS  | XS  | XS  | XS  | XS  | XS  |     |
| Department Store  |                          |     |     |     |     |      | CS   |     |     |     | X   | X   |     |     |
| Detective Agency  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Discotheque (See Lounge)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |

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|--|--------------------------|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|-----|
| Distribution Center, Product   |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Doctors' and Dentists' Office  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Drapery and Linen Shop   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Drug Store (See Pharmacy)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Dry Cleaning and Laundry Plant (Principal Use)                               |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Dry Cleaning Service Outlet  | 11.3.33                  |     |     |     |     |      |      |     | XS  | XS  | XS  | XS  |     |     |
| Duplex (See Dwelling, Two-family)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Dwelling, Accessory  | 11.3.80                  | XS  | XS  | XS  | XS  | XS   |      |     |     |     |     |     |     |     |
| Dwelling, Manufactured (See Manufactured Home)                               |                          |     |     |     |     |      | XS   |     |     |     |     |     |     |     |
| Dwelling, Single-Family (Site-built or Modular)                              |                          | X   | X   | X   | X   | X    |      | X   |     |     |     | C   |     |     |
| Dwelling, Two-Family   | 11.3.32; 11.3.51         |     |     |     | XS  | XS   | X    | XS  |     |     |     | CS  |     |     |
| Dwelling, Multi-Family   | 11.3.74; 11.3.51         |     |     |     |     | XS   | XS   |     |     |     |     | CS  |     |     |
| Dwelling, Multi-Family Conversion  | 11.3.51                  |     |     |     |     |      | XS   |     |     |     |     | CS  |     |     |
| Electronic Gaming Operations   | 11.3.34                  |     |     |     |     |      |      |     |     | CS  |     |     |     |     |
| Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales and Service | 11.3.35                  |     |     |     |     |      |      |     |     |     | CS  | CS  | XS  | XS  |
| Employment Agency  |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Engineering, Architect or Surveying Service                                  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Equestrian Facilities  | 11.3.22, 11.3.36         | CS  | CS  | CS  | CS  |      |      |     |     |     |     |     |     |     |
| Event Center   | 11.3.85                  | CS  | CS  | CS  | CS  | CS   | CS   | CS  | XS  | XS  | XS  | XS  |     |     |
| Exterminators Office (See Pest Control)                                      |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Fairground   |                          |     |     |     |     |      |      |     |     |     |     |     |     | C   |
| Family Care Home   | 11.3.38                  | XS  | XS  | XS  | XS  |      |      |     |     |     |     |     |     |     |
| Farm Equipment Sales   | 11.3.39                  |     |     |     |     |      |      |     |     |     |     |     | CS  | CS  |
| Farm Supply Store  |                          |     |     |     |     |      |      |     |     |     | C   |     | X   | X   |
| Farmers' Market  | 11.3.81                  | XS  | XS  | XS  | XS  | XS   |      | XS  |
| Finance Company  |                          |     |     |     |     |      | XS   | X   | X   | X   | X   | X   |     |     |
| Financial Institution  | 11.3.22                  |     |     |     |     |      |      | XS  | XS  | XS  | XS  | XS  |     |     |
| Firing Range, Indoors  |                          |     |     |     |     |      |      |     |     |     |     |     | C   | C   |
| Fitness Center (See Recreation Center, Indoors)                              |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Flea Market (Indoor)   | 11.3.76                  |     |     |     |     |      |      |     |     | CS  | CS  | CS  | CS  |     |
| Flea Market (Outdoor)  | 11.3.22, 11.3.76         |     |     |     |     |      |      |     |     |     |     |     | CS  | CS  |
| Floor Covering Store   |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Floral and Christmas Items Store   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Florist, Retail  |                          |     |     |     |     |      |      | C   | X   | X   | X   | X   |     |     |
| Florist, Wholesale   |                          |     |     |     |     |      |      |     |     |     | X   |     | X   | X   |

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|---|--------------------------|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|-----|
| Food Store  |                          |     |     |     |     |      |      |     | X   | X   | X   | C   |     |     |
| Formal Wear and Costume Rental Store  |                          |     |     |     |     |      |      | C   | X   | X   | X   | X   |     |     |
| Fortune Teller  |                          |     |     |     |     |      |      |     |     |     |     |     | C   |     |
| Fraternal and Service Organization Meeting Facilities (Non-Profit and Not-for-Profit) | 11.3.41                  |     |     |     |     |      |      | CS  | XS  | XS  | XS  | CS  |     |     |
| Fuel Oil Sales (See Petroleum Distributor)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Funeral Homes   |                          |     |     |     |     |      |      |     |     | C   | C   | C   |     |     |
| Furniture Repair Shop   |                          |     |     |     |     |      |      |     |     |     | C   | C   | X   | X   |
| Furniture Store (Retail)  |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Furrier   |                          |     |     |     |     |      |      |     |     |     | C   |     |     |     |
| Fur Storage   |                          |     |     |     |     |      |      |     |     |     |     |     |     | X   |
| Game Room/Video Arcade  | 11.3.42                  |     |     |     |     |      |      |     |     | CS  | CS  |     |     |     |
| Garden Supply and Seed Store  | 11.3.22                  |     |     |     |     |      |      |     |     |     | XS  | XS  | XS  |     |
| Gas Station (See "Automobile Service Station")  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Gift, Novelty and Souvenir Store  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Glass and Mirror Shop   |                          |     |     |     |     |      |      |     |     |     | X   | X   | X   |     |
| Glass Contractor  |                          |     |     |     |     |      |      |     |     |     |     |     | X   |     |
| Golf Course (Public or Private)   |                          | C   | C   | C   | C   |      |      |     |     |     |     |     |     |     |
| Grain Elevator  |                          |     |     |     |     |      |      |     |     |     |     |     |     | C   |
| Grocery Store (See Food Store)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Group Care Facility   |                          |     |     |     |     |      |      |     | C   | C   | C   |     |     |     |
| Gun and Ammunition Sales Shop   |                          |     |     |     |     |      |      |     |     | X   | X   | C   | X   | X   |
| Gunsmith  |                          |     |     |     |     |      |      |     |     |     | X   |     | X   |     |
| Hardware Store (See "Building and Home Materials Center")                             |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Heating Supplies and Sales (See Electric, Heating...Supplies and Sales)               |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Hobby, Toy, and Craft Shop  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Home Center   | 11.3.22                  |     |     |     |     |      |      |     |     |     | CS  |     | XS  |     |
| Home Decorating Center  |                          |     |     |     |     |      |      |     | X   | X   | X   | X   | X   |     |
| Home Electronics and Appliance Sales and Repair                                       |                          |     |     |     |     |      |      |     |     |     | X   | X   |     |     |
| Home Improvement Store (See Home Center)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Hospitals   |                          |     |     |     |     |      |      |     |     |     | C   |     | C   |     |
| Hotel/Motel   | 11.3.43                  |     |     |     |     |      |      |     |     | CS  | CS  | CS  |     |     |
| Home for Aged   | 11.3.60                  |     |     |     |     |      |      |     | CS  | CS  | CS  |     |     |     |
| Home Occupation   | 11.3.59                  | XS  | XS  | XS  | XS  | XS   |      |     |     |     |     | C   |     |     |
| Independent Living Center   | 11.3.60                  |     |     |     |     |      | XS   |     | CS  | CS  | CS  |     |     |     |

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|--|--------------------------|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|-----|
| Industrial Equipment, Sales, Supplies, and Repair          | 11.3.44                  |     |     |     |     |      |      |     |     |     |     |     | CS  | XS  |
| Insurance Agency (Principal Use)                           |                          |     |     |     |     |      |      | C   | X   | X   | X   | X   |     |     |
| Interior Decorator   |                          |     |     |     |     |      |      | C   | X   | X   | X   | X   |     |     |
| Jewelry Sales (Principal Use) and Repair                   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Key Shop and Locksmith                                     |                          |     |     |     |     |      |      |     |     |     | X   | C   | X   |     |
| Laboratories - Dental, Medical, Optical, and Research      | 11.3.46                  |     |     |     |     |      |      |     |     |     | XS  | C   | XS  | XS  |
| Landfill, Demolition(Principal Use)                        | 11.3.69                  |     |     |     |     |      |      |     |     |     |     |     |     | CS  |
| Laundromat   |                          |     |     |     |     |      |      |     | X   | X   | X   | C   |     |     |
| Laundromat Plant (See Dry Cleaning and Laundry Plant)      |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Lawn and Garden Service                                    |                          |     |     |     |     |      |      |     |     |     | X   |     | X   |     |
| Leather Goods Shop (See Luggage and Leather Goods Shop)    |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Library, Public  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Life Care Facility (See Continuing Care Facility)          |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Linen Shop   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Liquor Store (See ABC Store)                               |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Locksmith (See Keyshop and Locksmith)                      |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Lounge (Principal Use)                                     | 11.3.47                  |     |     |     |     |      |      |     |     |     | CS  |     | CS  |     |
| Luggage and Leather Goods Shop                             |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Lumber and Building Materials Yard                         | 11.3.22                  |     |     |     |     |      |      |     |     |     |     |     | CS  | XS  |
| Machine Shop   | 11.3.67                  |     |     |     |     |      |      |     |     |     |     |     | XS  | XS  |
| Maintenance Service (See Cleaning and Maintenance Service) |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Manufactured Goods, Class 1                                | 11.3.67                  |     |     |     |     |      |      |     |     |     |     |     | XS  | XS  |
| Manufactured Goods, Class 2                                | 11.3.73                  |     |     |     |     |      |      |     |     |     |     |     |     | CS  |
| Manufactured Home Sales                                    | 11.3.22                  |     |     |     |     |      |      |     |     |     |     |     | XS  | XS  |
| Manufactured Homes (See MH-1 Overlay)                      |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Manufacturing Machinery Sales and Service                  |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Martial Arts School  |                          |     |     |     |     |      |      |     | X   | X   | X   | C   |     |     |
| Medical Center   |                          |     |     |     |     |      |      |     | X   | X   | X   | C   |     |     |
| Medical Supply Shop  |                          |     |     |     |     |      |      |     |     | X   | X   | C   |     |     |
| Meeting Facility   | 11.3.86                  |     |     |     |     |      |      | XS  | XS  | XS  | XS  | XS  | XS  |     |
| Membership Warehouse Club                                  | 11.3.22                  |     |     |     |     |      |      |     |     |     | CS  |     | XS  |     |
| Message and Errand Service                                 |                          |     |     |     |     |      |      |     |     | X   | X   | X   |     |     |
| Mini-Mart (no gas sales)                                   | 11.3.25                  |     |     |     |     |      |      |     | CS  | XS  | XS  |     |     |     |
| Mini-Warehouse   | 11.3.48                  |     |     |     |     |      |      |     |     |     |     |     | XS  | XS  |

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| Mirror Shop (See Glass and Mirror Shop)                           |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Mixed Use   | 11.3.51                  |     |     |     |     |      |      | C   |     |     |     | CS  |     |     |
| Mobile Home (See Manufactured Home)                               |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Modular Home (See Dwelling, Single-Family)                        |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Monument Sales (Principal Use)                                    | 11.3.49                  |     |     |     |     |      |      |     |     |     | XS  |     | XS  |     |
| Monument Sales (Accessory Use)                                    |                          |     |     |     |     |      |      |     |     | X   | X   |     |     |     |
| Motel (See Hotel/Motel)   |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Moving and Storage Facilities                                     |                          |     |     |     |     |      |      |     |     |     |     |     | C   | X   |
| Multi-Tenant Development, Class I                                 |                          |     |     |     |     |      |      |     | C   | C   | C   | C   | X   | X   |
| Multi-Tenant Development, Class II                                |                          |     |     |     |     |      |      |     | C   | C   | C   | C   | X   | X   |
| Museum  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Music School  |                          |     |     |     |     |      |      | C   | X   | X   | X   | X   |     |     |
| Music Store Sales and Service                                     |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Nail Salon (See Tanning and Nail Salon)                           |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| News Stand (Principal Use)  |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Notions Store (See Sewing Cloth and Notion's Store)               |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Novelty and Souvenir Store (See Gift, Novelty and Souvenir Store) |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Nursery (Horticultural), Greenhouses                              | 11.3.22                  |     |     |     |     |      |      |     |     |     | CS  |     | XS  |     |
| Nursing Home  | 11.3.60                  |     |     |     |     |      |      |     | CS  | CS  | CS  |     |     |     |
| Office Equipment and Computer Store                               |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Offices   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Optician and Optical Supply Store                                 |                          |     |     |     |     |      |      | C   | X   | X   | X   | X   |     |     |
| Paint, and Wallpaper Store (See Home Decorating Center)           |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Park, Active  |                          | CS  | CS  | CS  | CS  | CS   |      | CS  | XS  | XS  | XS  | XS  | XS  |     |
| Park, Passive   |                          | XS  | XS  | XS  | XS  | XS   | CS   | XS  |
| Parking Lot - Principal Use (See Automobile Parking Lot)          |                          |     |     |     |     |      | XS   |     |     |     |     |     |     |     |
| Pawn Shop   |                          |     |     |     |     |      |      |     |     | C   | C   |     |     |     |
| Personnel Agency (See Employment Agency)                          |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Pest Control Service  |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Pet Stores  | 11.3.52                  |     |     |     |     |      |      |     | XS  | XS  | XS  | XS  |     |     |
| Pharmacy  |                          |     |     |     |     |      |      |     | X   | X   | X   | C   |     |     |
| Photocopy Service   |                          |     |     |     |     |      |      | C   | X   | X   | X   | X   |     |     |
| Photofinish Laboratory  |                          |     |     |     |     |      |      |     |     |     | X   |     | X   | X   |
| Photographic Studio   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |

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| Picture Frame Shop   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Plumbing, Sales and Supplies (See Electric, Heating...Sales and Service) |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Pool Hall (not allowed per Town Ordinance)                               |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Post Office  |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Postal Store and Contract Station  |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Printing and Publishing  |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Produce Stand, Temporary (Accessory Use)                                 | 11.3.53                  |     |     |     |     |      |      |     |     | XS  |     | XS  |     |     |
| Produce Stand (Principal Use)  | 11.3.54                  |     |     |     |     |      |      |     |     | CS  | CS  |     |     |     |
| Prosthetics and Medical Equipment Rental (See Rental Center)             |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Prototype Design and Development   | 11.3.79                  |     |     |     |     |      |      | CS  |     | CS  | CS  | CS  | CS  | CS  |
| Public Safety Station  | 11.3.56                  |     |     |     |     |      |      | XS  |
| Public Utility Facility  | 11.3.37                  | XS  | XS  | XS  | XS  | XS   |      | XS  | XS  | XS  | XS  | CS  | XS  | XS  |
| Public Utility Transmission Lines  |                          | X   | X   | X   | X   | X    | XS   | X   | X   | X   | X   | C   | X   | X   |
| Racetrack, Outdoor   | 11.3.22, 11.3.40         |     |     |     |     |      | X    |     |     |     |     |     |     | CS  |
| Racetrack, Indoor  |                          |     |     |     |     |      |      |     |     |     | C   |     | X   | X   |
| Radio Shop (See Home Electronics, and Appliance Sales)                   |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Radio and Television Stations  |                          |     |     |     |     |      |      |     |     |     | C   |     | X   | X   |
| Railroad Terminal and Yards  |                          |     |     |     |     |      |      |     |     |     |     |     |     | C   |
| Real Estate Agency   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Recreation Facility, Indoor  | 11.3.57                  |     |     |     |     |      |      | CS  | CS  | XS  | XS  | CS  | XS  |     |
| Recreation Facility, Outdoor   | 11.3.22, 11.3.57         |     |     |     |     |      |      | CS  | CS  | XS  | XS  | CS  | XS  |     |
| Recreational Uses, Accessory   | 11.3.57                  | XS  | XS  | XS  | XS  | XS   |      | XS  | XS  | XS  | XS  | XS  |     |     |
| Recreational Vehicle Sales   | 11.3.22                  |     |     |     |     |      | XS   |     |     |     | CS  |     | XS  | XS  |
| Recycling Deposit Station (Principal Use)                                | 11.3.58                  |     |     |     |     |      |      |     |     |     |     |     | CS  | XS  |
| Recycling Processing Facility, (Indoors)                                 |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Recycling Station, Accessory   |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Repair & Servicing of Industrial Equipment/Machinery                     |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Repair & Service Establishments over 10,000 sq. ft. in size              |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Rental Center, (no outdoor storage)                                      |                          |     |     |     |     |      |      |     | X   | X   | X   |     | X   |     |
| Rental Center, (with outdoor storage)                                    | 11.3.71                  |     |     |     |     |      |      |     |     |     |     |     | CS  | XS  |
| Restaurant (Principal Use, Eating & Drinking Establishment)              |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Restaurant, Drive-in   | 11.3.22                  |     |     |     |     |      |      |     |     | CS  | CS  |     |     |     |
| Restaurant, Drive-Through  | 11.3.22, 11.3.61         |     |     |     |     |      |      |     |     | CS  | CS  |     |     |     |
| Restaurant, Fast Food  | 11.3.22, 11.3.61         |     |     |     |     |      |      |     |     | CS  | CS  |     |     |     |

NOTES

- X - Permitted Use
- XS - Permitted Use With Supp. Regs.
- C - Conditional Use
- CS - Conditional Use With Supp. Regs.

\* Reference Sect. 21 Downtown

\*\* No designation indicates use is not permitted \*\*

Zoning Table of Uses (Amended 7-22-14)\*

| USE  | SUPPLEMENTAL REGULATIONS | R-1 | R-2 | R-3 | R-4 | RM-1 | RM-2 | OIS | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|--|--------------------------|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|-----|
| Restaurants, Within Other Facilities   | 11.3.62                  |     |     |     |     |      |      |     | XS  | XS  | XS  | XS  |     |     |
| Roofing Repair and Installation  | 11.3.63                  |     |     |     |     |      |      |     |     |     |     |     | XS  | XS  |
| Rooming and Boarding House   |                          | C   | C   | C   | C   |      |      |     |     |     |     | C   |     |     |
| School, Kindergarten, Elementary and Junior High                               | 11.3.22, 11.3.55         | CS  | CS  | CS  | CS  | CS   |      | CS  | CS  | CS  | CS  |     |     |     |
| School-Senior High   | 11.3.22, 11.3.55         | CS  | CS  | CS  | CS  | CS   | CS   | CS  | CS  | CS  | CS  |     |     |     |
| School, Vocational   | 11.3.22                  |     |     |     |     |      | CS   | CS  | CS  | CS  | CS  | CS  |     |     |
| School for the Arts  | 11.3.22                  |     |     |     |     |      |      | CS  | CS  | CS  | CS  | CS  |     |     |
| Seasonal Outdoor Sales   | 11.3.64                  | XS  | XS  | XS  | XS  | XS   |      | XS  |
| Second-Hand and Consignment Shops (no outside storage)                         |                          |     |     |     |     |      | XS   | X   | X   | X   | X   | X   |     |     |
| Seed Store (See Garden Supply and Seed Store)                                  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Septic Tank Cleaning Service   |                          |     |     |     |     |      |      |     |     |     |     |     | C   | C   |
| Service Station (See Automobile Service Station)                               |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Sewing, Cloth, and Notions Store   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Shoe Repair Shop   |                          |     |     |     |     |      |      | C   | X   | X   | X   | X   |     |     |
| Shopping Center  | 11.3.22, 11.3.65         |     |     |     |     |      |      | CS  | CS  | CS  | CS  |     |     |     |
| Sign and Banner Shop   |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Sign Painting/Fabrication Shop   | 11.3.67                  |     |     |     |     |      |      |     |     |     |     |     | XS  | XS  |
| Skating Rink, Indoor and Outdoor (See Recreation Facility, Indoor and Outdoor) |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Solid Waste Vehicle and Septic Tank Vehicle Storage Facility                   |                          |     |     |     |     |      |      |     |     |     |     |     | C   | C   |
| Sporting Goods and Apparel Shop  |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Stadium  | 11.3.22, 11.3.66         | CS  | CS  | CS  | CS  |      |      |     |     |     |     |     |     |     |
| Stamp Shop (See Coin and Stamp Shop)   |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Stationery Shop  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Stock or Security Brokerage Firm   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Subdivision Sales Office   | 11.3.83                  | XS  | XS  | XS  | XS  | XS   |      |     |     |     |     |     |     |     |
| Supermarket (See Food Store)   |                          |     |     |     |     |      | XS   |     |     |     |     |     |     |     |
| Swim Clubs   | 11.3.57                  | CS  | CS  | CS  | CS  | CS   |      | CS  | CS  | CS  | CS  |     |     |     |
| Swimming Pool Sales, Service and Supplies                                      |                          |     |     |     |     |      | CS   |     |     |     | C   |     | X   | X   |
| Tailor and Alteration Shop   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Tanning and Nail Salon (Principal Use)   |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Tattoo Parlor  |                          |     |     |     |     |      |      |     |     | C   | C   |     |     |     |
| Tavern (See Lounge)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Tax Preparation Service  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Taxidermist  |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |

NOTES

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Zoning Table of Uses (Amended 7-22-14)\*

| USE   | SUPPLEMENTAL REGULATIONS | R-1 | R-2 | R-3 | R-4 | RM-1 | RM-2 | OIS | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|---|--------------------------|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|-----|
| Television Sales and Repair (See Home Electronics, and Appliance Sales) |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Telecommunications Towers   | 11.3.75                  | CS  | CS  | CS  | CS  | CS   |      | CS  | CS  | CS  | CS  |     | CS  | CS  |
| Temporary Automobile Parking Lot for Subdivision Sales Office           | 11.3.84                  | XS  | XS  | XS  | XS  | XS   | CS   |     |     |     |     |     |     |     |
| Temporary Construction Trailer/Structures                               | 11.3.70                  | XS  | XS  | XS  | XS  | XS   | XS   | XS  | XS  | XS  | XS  | XS  | XS  | XS  |
| Textile Machinery Sales and Service                                     |                          |     |     |     |     |      | XS   |     |     |     |     |     | X   | X   |
| Theater, Indoor Movie   |                          |     |     |     |     |      |      |     |     | C   | C   | C   |     |     |
| Theater, Outdoor Movie  | 11.3.22                  |     |     |     |     |      |      |     |     |     | CS  |     |     |     |
| Tire Recap or Repair Facility   | 11.3.38                  |     |     |     |     |      |      |     |     |     |     |     |     | CS  |
| Tobacco Shop  |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Toy Shop (See Hobby, Toy, and Craft Shop)                               |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Trading Stamp Redemption Store  |                          |     |     |     |     |      |      |     |     |     | X   |     |     |     |
| Trading and Conference Center   |                          |     |     |     |     |      |      |     |     |     | C   |     |     |     |
| Travel Agency   |                          |     |     |     |     |      |      | X   | X   | X   | X   | X   |     |     |
| Trophy and Plaque Shop  |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Truck Terminal  |                          |     |     |     |     |      |      |     |     |     |     |     |     | C   |
| Truck and Utility Trailer Rental Facility (Principal Use)               |                          |     |     |     |     |      |      |     |     |     |     |     |     | C   |
| Truck Washing Facility  |                          |     |     |     |     |      |      |     |     |     |     |     |     | C   |
| Upholstery Shop   |                          |     |     |     |     |      |      |     |     |     | X   | X   | X   |     |
| Variety Store   |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Vending Company Supply House  |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Veterinary Office (See Animal Hospital)                                 |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Video Arcade (See Game Room)  |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Video Rental Shop (Principal Use)                                       |                          |     |     |     |     |      |      |     | X   | X   | X   | X   |     |     |
| Warehouse (Excluding Wholesales Sales Operations and Mini-Warehouses)   |                          |     |     |     |     |      |      |     |     |     |     |     | X   | X   |
| Watch Repair and Sales (See Clock and Watch Sales and Repair)           |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |
| Welding Shop  | 11.3.67                  |     |     |     |     |      |      |     |     |     |     |     | CS  | XS  |
| Wholesale Sales Operation   |                          |     |     |     |     |      |      |     |     | CS  | CS  |     | XS  | XS  |
| Wrecker Service (See Automobile/Vehicle Towing Service)                 |                          |     |     |     |     |      |      |     |     |     |     |     |     |     |

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\* Reference Sect. 21 Downtown

\*\* No designation indicates use is not permitted \*\*



Town of Waxhaw  
 Planning & Community Development  
 PO Box 617  
 Waxhaw, NC 28173  
 704-843-2195 (Phone)  
 704-243-3276 (Fax)  
 www.waxhaw.com

|               |           |
|---------------|-----------|
| Date Received | 1-21-2015 |
| Received By   | DL        |
| Fee           | 330.00    |

**ZONING CHANGE APPLICATION**

Application Number: RZ-003080-2015      Date of Application: 21 JAN 15

**Applicant Information**

Applicant Name: CRAY, INC. / MCCRAY SMITH

Applicant Mailing Address: 120 SOUTHCLIFF DRIVE

Applicant Telephone: 704-219-2230

Property Owner Name: CRAY, INC.

Property Owner Mailing Address: P.O. BOX 1315  
WAXHAW NC 28173

Property Owner Telephone: 704-219-2230

Relationship of Applicant to Property Owner: SAME

**Subject Property Information**

Property Location: 3308 S. PROVIDENCE RD.

Tax Map and Parcel Number(s): 06379001

Existing Zoning: # R-4      In Flood Area? No

Requested Zoning District: # C1      Acreage 0.91 AC.

Current Use of Land: RESIDENTIAL

Surrounding Land Uses: MIXED: C1, R-4, R-3

Comments: BUSY PROVIDENCE RD. IS MAIN  
THROUGHFARE IN & OUT OF  
WAXHAW, PERFECT FOR COMM.  
USES.

No application will be considered complete unless it has been properly completed and submitted to the Zoning Administrator by the deadline for the Planning Board Meeting.

To the best of my knowledge, all of the information herein submitted is accurate and complete.

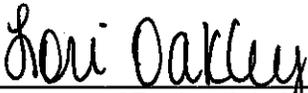
  
(Signature of Property Owner)

21 JAN 15  
(Date)

  
(Signature of Applicant)

21 JAN 15  
(Date)

All of the information herein required has been submitted by the applicant and is included or attached with this application.

  
(Signature of Zoning Administrator)

1-21-15  
(Date)

**TO BE FILLED OUT BY ZONING ADMINISTRATOR**

Completed application submitted on: 1-21-2015

Reviewed by Planning Board on: 2-16-2015

Action of Planning Board: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Town Board Public Hearing Held On: \_\_\_\_\_

Date of Town Board Decision: \_\_\_\_\_

Action Taken by Town Board: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

***\*Newspaper Affidavit should be attached***

Public Hearing Notice Filed in (Newspaper): \_\_\_\_\_

Date(s) Notices Published: \_\_\_\_\_

Notification to adjacent property owners mailed on: \_\_\_\_\_

Property Posting Date: \_\_\_\_\_

**SUBJECT PROPERTY:**

06138001 Cray Inc., P.O. Box 1315, Waxhaw, NC 28173

**ADJACENT PROPERTIES:**

06141001 Providence at 16, LLC, 2800 Sturgis Rd., Oxnard CA 93030

06138018 Castora Real Estate Group, Inc., 601 Birchwood Drive, Waxhaw NC 28173

06168001K The North Carolina LLP, Invitation Homes, 901 Main St., Suite 4700, Dallas Tx 75202

06138002 Belynda Gordon Greene, James Donald Gordon, 246 Alexandria Rd., Sedona AZ 86336

06138003 Robert Neil Gordon, 3750 S Providence Rd., Waxhaw NC 28173

FILED  
UNION COUNTY, NC  
**CRYSTAL CRUMP**  
**REGISTER OF DEEDS**

FILED May 14, 2013  
AT 01:46 pm  
BOOK 06003  
START PAGE 0544  
END PAGE 0546  
INSTRUMENT # 16355  
EXCISE TAX \$400.00  
JT

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$400

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 06-138-001  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
by \_\_\_\_\_

Mail after recording to GRANTEE  
This instrument was prepared by **Foodman Hunter & Karres, PLLC**  
2013056676/ Morehead Title

Brief Description for the index .81 acres Providence Road S.

THIS DEED made this 14th day of May, 2013 by and between

| GRANTOR  | GRANTEE  |
|--|--|
| <p><b>Emily Renfroe Houston and spouse</b><br/><b>George P. Houston</b><br/>and<br/><b>Robert Burns Renfroe and spouse</b><br/><b>Pamela C. Renfroe</b><br/>and<br/><b>Stephen Craig Renfroe and spouse</b><br/><b>Joyce T. Renfroe</b><br/>and<br/><b>Alice Ann Renfroe Gardner and spouse</b><br/><b>Ike M. Gardner</b><br/>and<br/><b>Deborah Sue Renfroe Morris and spouse</b><br/><b>Timothy J. Morris</b></p> <p>Mailing address:<br/>3933 Bon Rea Dr.<br/>Charlotte, NC 28226</p> | <p><b>Cray, Inc. , A North Carolina Corporation</b></p> <p>Mailing address:<br/>700 John Dodd Road<br/>Spartanburg, SC 29303</p> <p>Property address:<br/>3808 S. Providence Road<br/>Waxhaw, NC 28173</p> |

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in \_\_\_\_\_ County, North Carolina and more particularly described as follows:

BEGINNING at a point on the western right of way line of N.C. Highway 16, said point being a southeastern corner of Hallis Gordon property (Deed Book 138 page 297), now or formerly, and runs thence with the right of way line of said highway, South 16-15-08 East 138.62 feet to an iron; thence South 74-55-00 West 256.64 feet to an iron; thence North 14-59-45 West 138.98 feet to an iron in the old line; thence North 75-00-15 East 253.60 feet to the point of Beginning and containing .81 of an acre as surveyed by J.B. Fisher Surveyors on October 28, 1993.

For Chain of title see the estate of Grace Craig Renfroe 8E0321.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 691, Page 418, Union County Public Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

**Easements and restrictions of record and the lien of the year 2013 ad valorem taxes, which the Grantee herein agrees to assume and pay.**

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Stephen Craig Renfroe (SEAL)  
Stephen Craig Renfroe

Emily Renfroe Houston (SEAL)  
Emily Renfroe Houston

Joyce T. Renfroe (SEAL)  
Joyce T. Renfroe

George P. Houston (SEAL)  
George P. Houston

Alice Ann Renfroe Gardner (SEAL)  
Alice Ann Renfroe Gardner

Robert Burns Renfroe (SEAL)  
Robert Burns Renfroe

Ike M. Gardner (SEAL)  
Ike M. Gardner

Pamela C. Renfroe (SEAL)  
Pamela C. Renfroe

Deborah Sue Renfroe Morris (SEAL)  
Deborah Sue Renfroe Morris

Timothy J. Morris (SEAL)  
Timothy J. Morris



STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG

I, the undersigned, a Notary Public of the County and State aforesaid, certify that, Emily Renfroe Houston and George P. Houston, Grantor, personally appeared before me and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal on May 14th, 2013

My commission expires: 3-3-18

Catherine C. Hunter Notary Public

The foregoing Certificate(s) of \_\_\_\_\_  
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

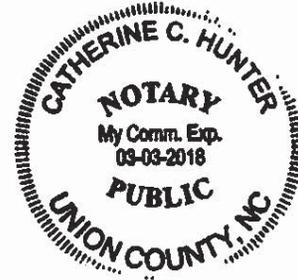
By \_\_\_\_\_ REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY  
Deputy/Assistant-Register of Deeds.

STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG

I, the undersigned, a Notary Public of the County and State aforesaid, certify that, **Robert Burns Renfroe and Pamela C. Renfroe**, Grantor, personally appeared before me and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal on May 14th, 2013

My commission expires: 3-3-18  
Catherine C. Hunter Notary Public



STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG

I, the undersigned, a Notary Public of the County and State aforesaid, certify that, **Stephen Craig Renfroe and Joyce T. Renfroe**, Grantor, personally appeared before me and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal on May 14th, 2013

My commission expires: 3-3-18  
Catherine C. Hunter Notary Public



STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG

I, the undersigned, a Notary Public of the County and State aforesaid, certify that, **Alice Ann Renfroe Gardner and Ike M. Gardner**, Grantor, personally appeared before me and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal on May 14th, 2013

My commission expires: 3-3-18  
Catherine C. Hunter Notary Public



STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG

I, the undersigned, a Notary Public of the County and State aforesaid, certify that, **Deborah Sue Renfroe Morris and Timothy J. Morris**, Grantor, personally appeared before me and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal on May 14th, 2013

My commission expires: 3-3-18  
Catherine C. Hunter Notary Public



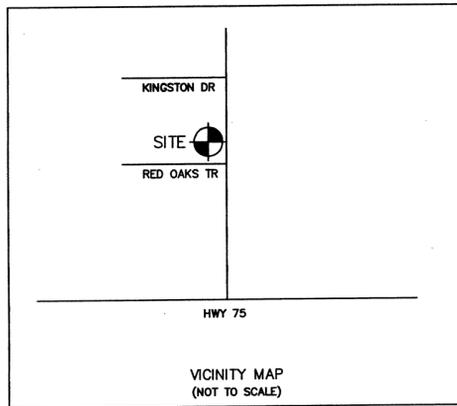
EXHIBIT "A"

LEGAL DESCRIPTION  
~ 3808 S. PROVIDENCE RD.

BEGINNING at a point on the western right of way line of N.C. Highway 16, said point being a southeastern corner of Hallis Gordon property (Deed Book 138 page 297), now or formerly, and runs thence with the right of way line of said highway, South 16-15-08 East 138.62 feet to an iron; thence South 74-55-00 West 256.64 feet to an iron; thence North 14-59-45 West 138.98 feet to an iron in the old line; thence North 75-00-15 East 253.60 feet to the point of Beginning and containing .81 of an acre as surveyed by J.B. Fisher Surveyors on October 28, 1993.

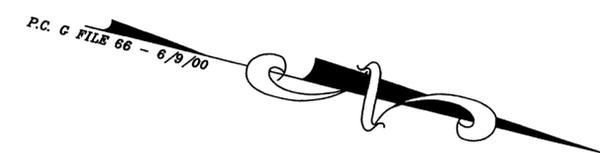
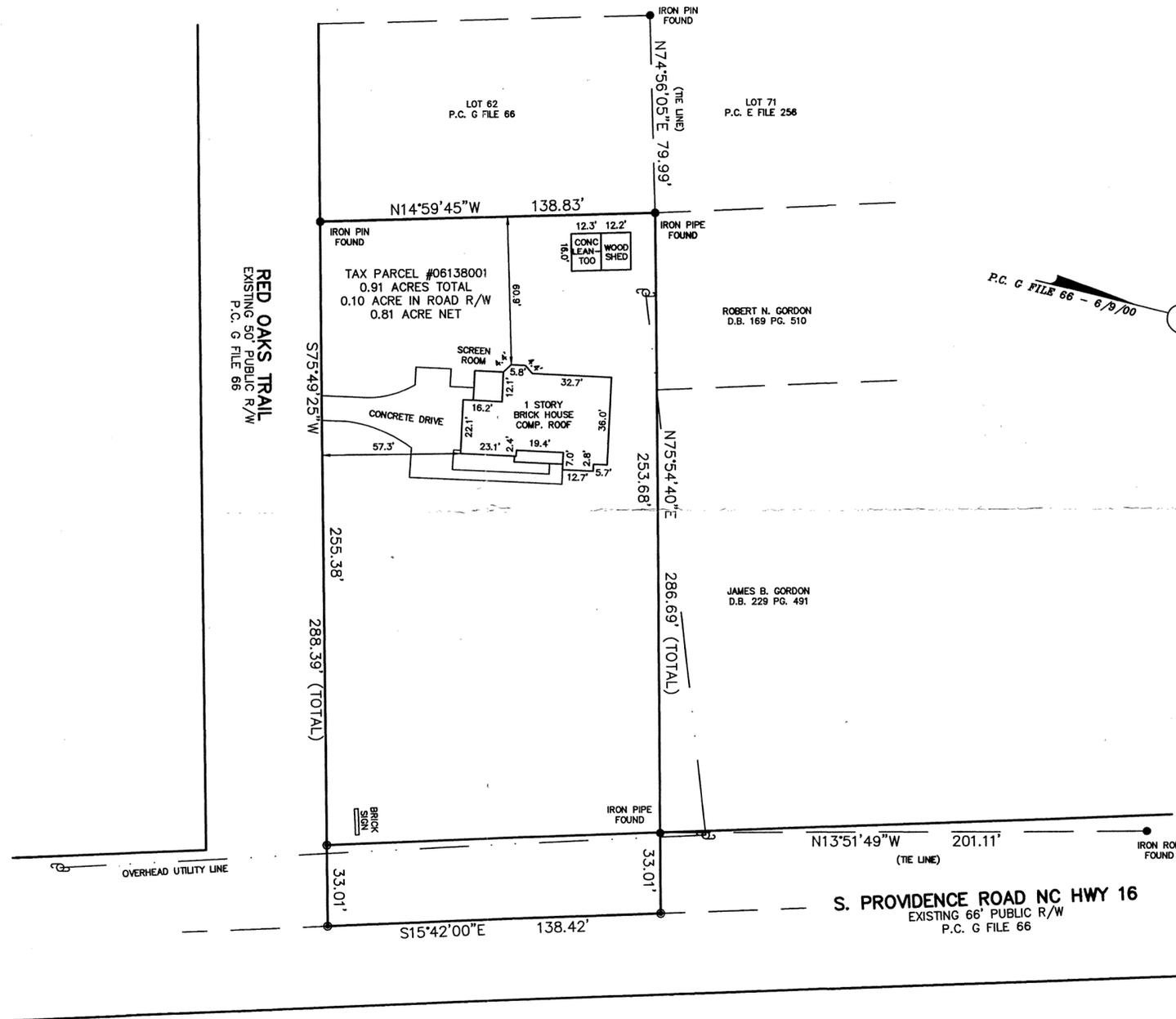
I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED RECORDED IN BOOK 166, PAGE 276; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION AS SHOWN ON PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600). THIS 13th DAY OF MAY, 2013.

SIGNED   
 JOHN D. SKIDMORE III, NCPLS L-3837



**LEGEND**

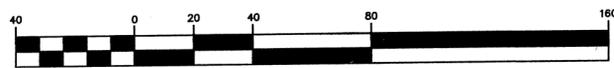
- R/W = RIGHT OF WAY  
 ● = CORNER AS DESCRIBED  
 ☆ = LIGHT POLE  
 ⊙ = COMPUTED POINT  
 ⊕ = UTILITY POLE  
 □ = CONCRETE MONUMENT  
 ⊗ = SANITARY SEWER MANHOLE  
 ⊕ = STORM DRAIN MANHOLE
- — — — — PROPERTY LINE  
 — — — — — ADJOINER LINE  
 — — — — — RIGHT OF WAY  
 — — — — — TIE LINE  
 - - - - - STORM DRAIN EASEMENT  
 - - - - - SETBACK LINE



**NOTES:**

- AREA BY COORDINATE METHOD
- THIS IS A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET
- THIS MAP IS NOT INTENDED TO MEET G.S. 47-30 AND IS NOT TO BE RECORDED AS A PLAT
- SUBJECT PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS, RIGHT OF WAYS, SETBACKS AND/OR RESTRICTIVE COVENANTS NOT SHOWN HEREON

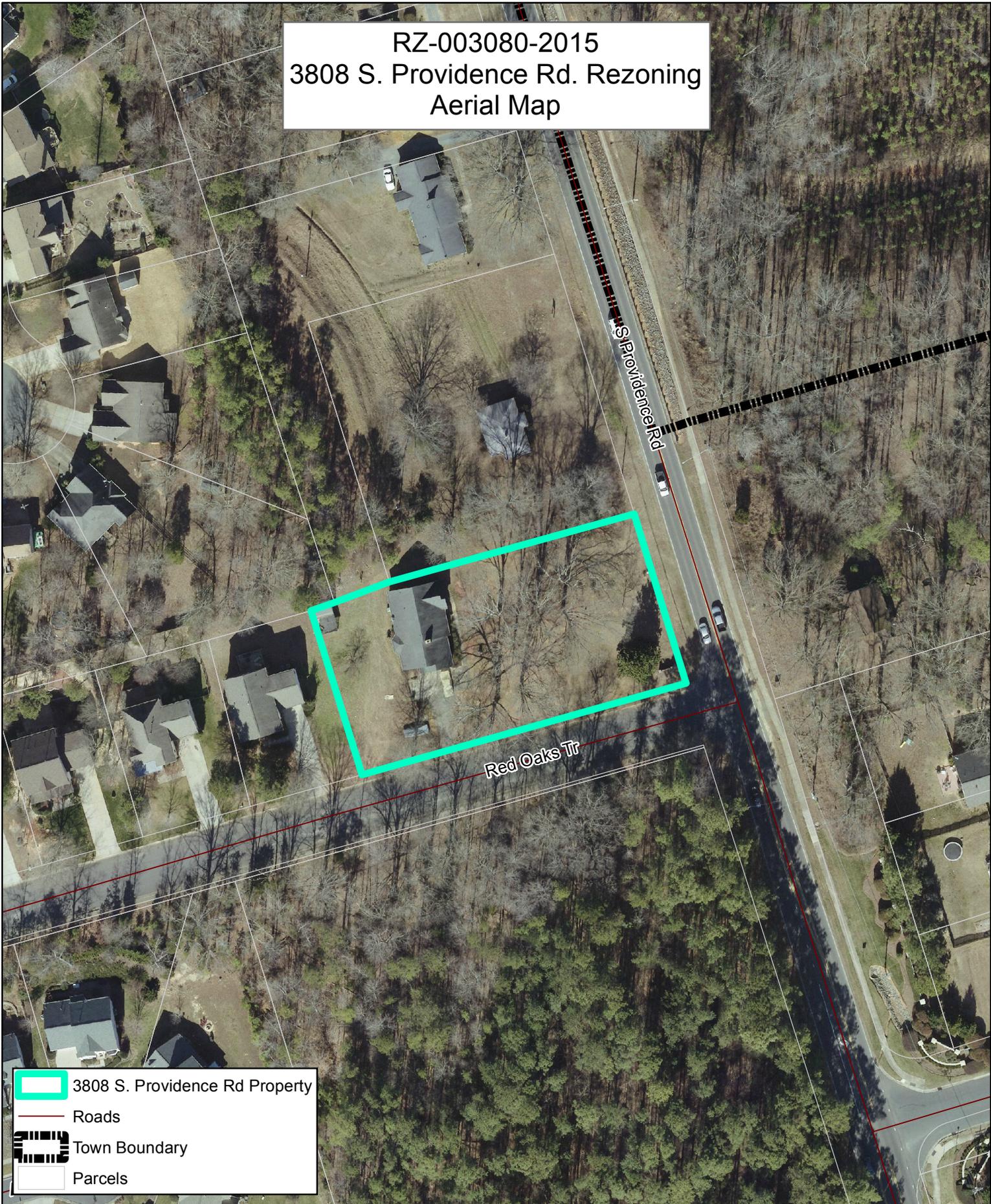
**GRAPHIC SCALE**



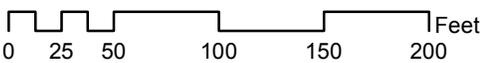
( IN FEET )  
 1 inch = 40 ft.

| PHYSICAL SURVEY   |  | SURVEY DATE 5/09/2013   | SURVEY DATE 5/6/13 |
|---|--|---|--------------------|
| 3808 S. PROVIDENCE ROAD<br>0.91 ACRE<br>TAX PARCEL 06138001<br>WAXHAW, UNION COUNTY, NORTH CAROLINA |  | TAX No. 06138001  | DRAWN BY: CGS      |
| TO BE DEEDED TO: <b>McCRAY SMITH</b>  |  | D.B. 166 PAGE 276   | DRAWING 13-078.DWG |
|   |  | <b>SKIDMORE SURVEYING, INC.</b><br>5343 HIGHWAY 74 WEST<br>MONROE, N.C.<br>704-289-4855 |                    |

RZ-003080-2015  
3808 S. Providence Rd. Rezoning  
Aerial Map



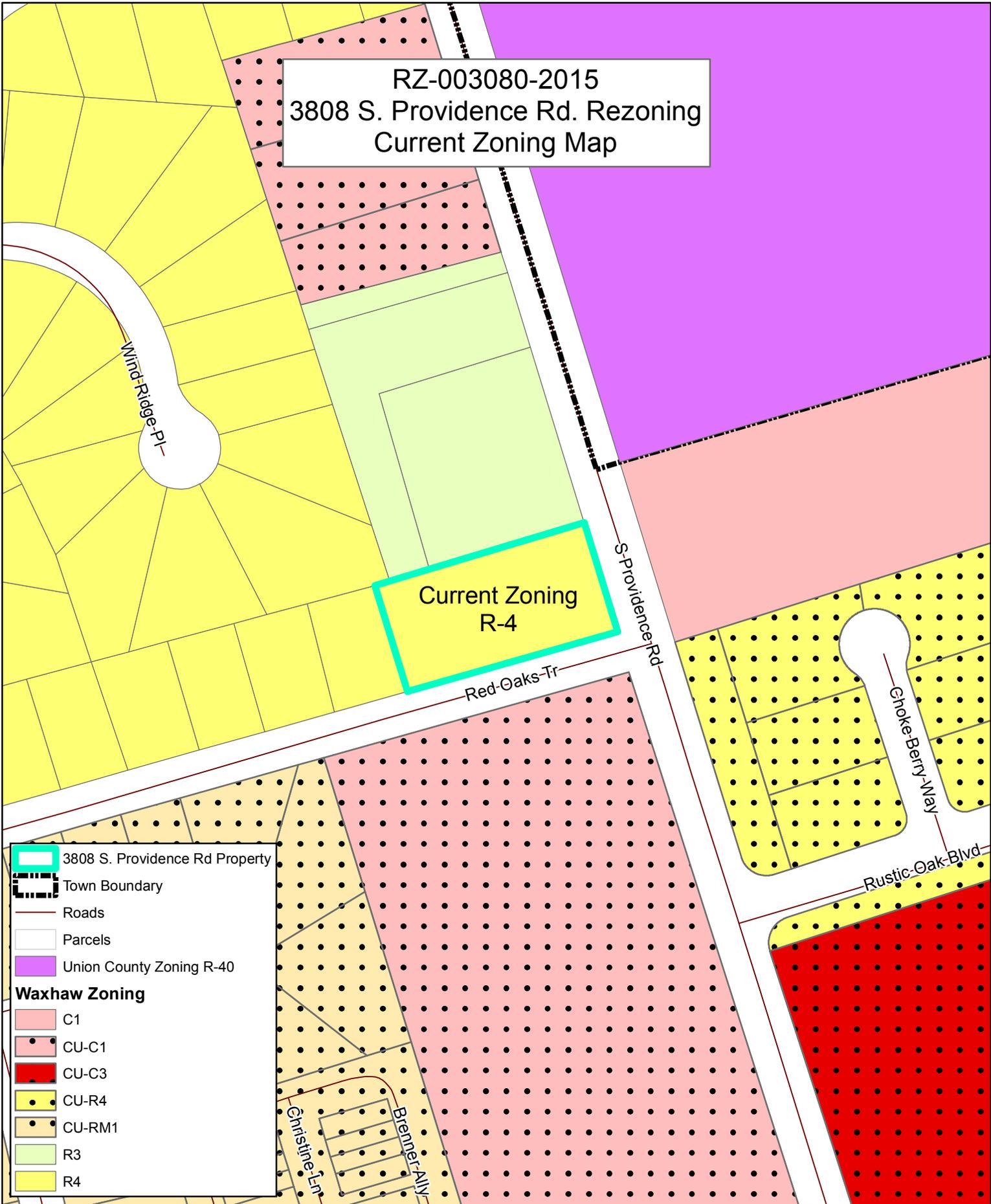
-  3808 S. Providence Rd Property
-  Roads
-  Town Boundary
-  Parcels



**Data Source & Disclaimer**  
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RZ-003080-2015  
 3808 S. Providence Rd. Rezoning  
 Current Zoning Map



**3808 S. Providence Rd Property**

**Town Boundary**

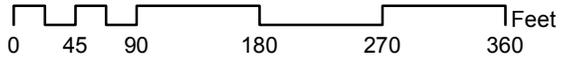
**Roads**

**Parcels**

**Union County Zoning R-40**

**Waxhaw Zoning**

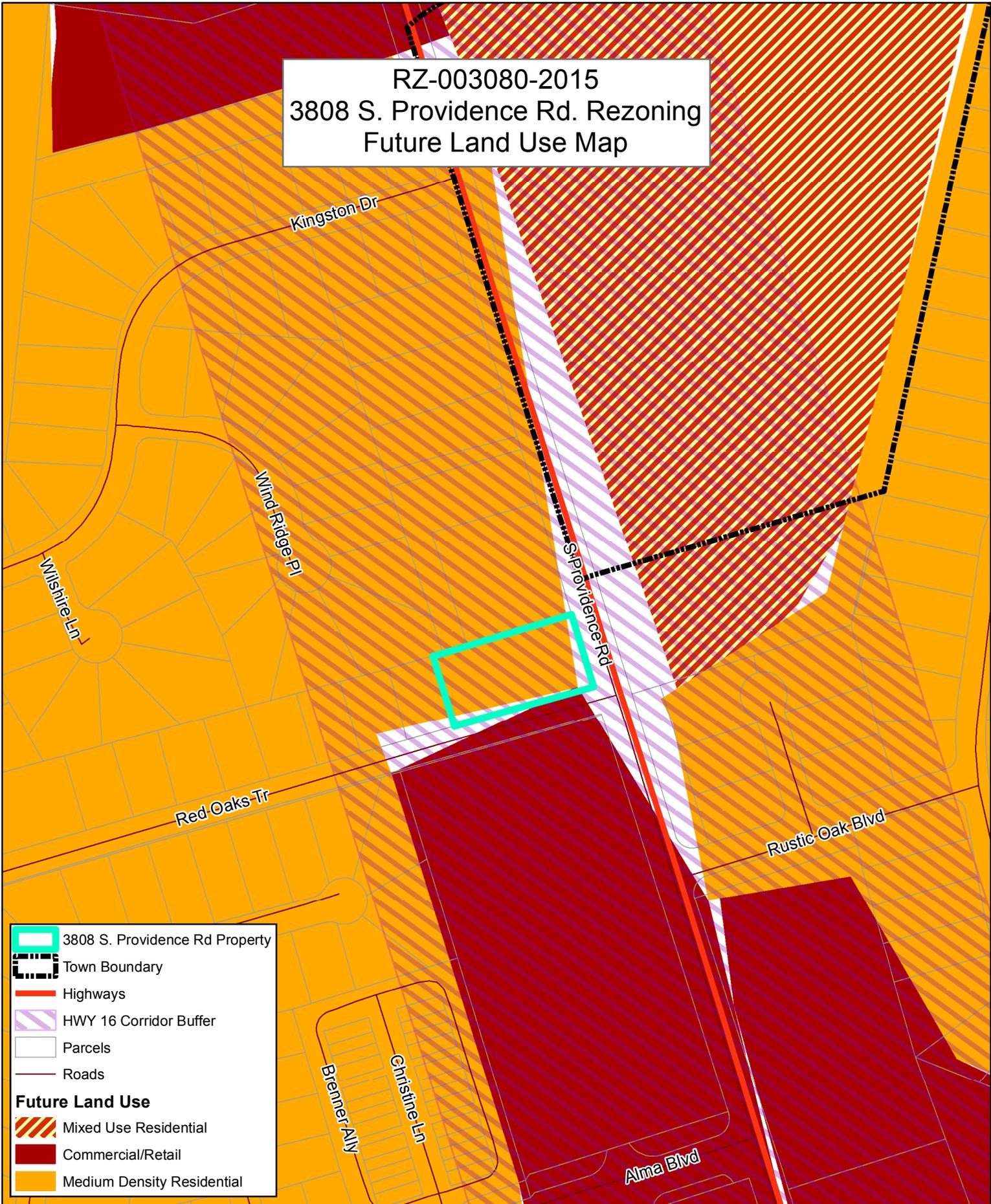
- C1
- CU-C1
- CU-C3
- CU-R4
- CU-RM1
- R3
- R4



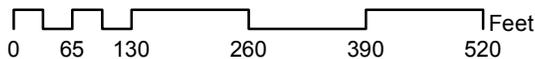
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RZ-003080-2015  
 3808 S. Providence Rd. Rezoning  
 Future Land Use Map



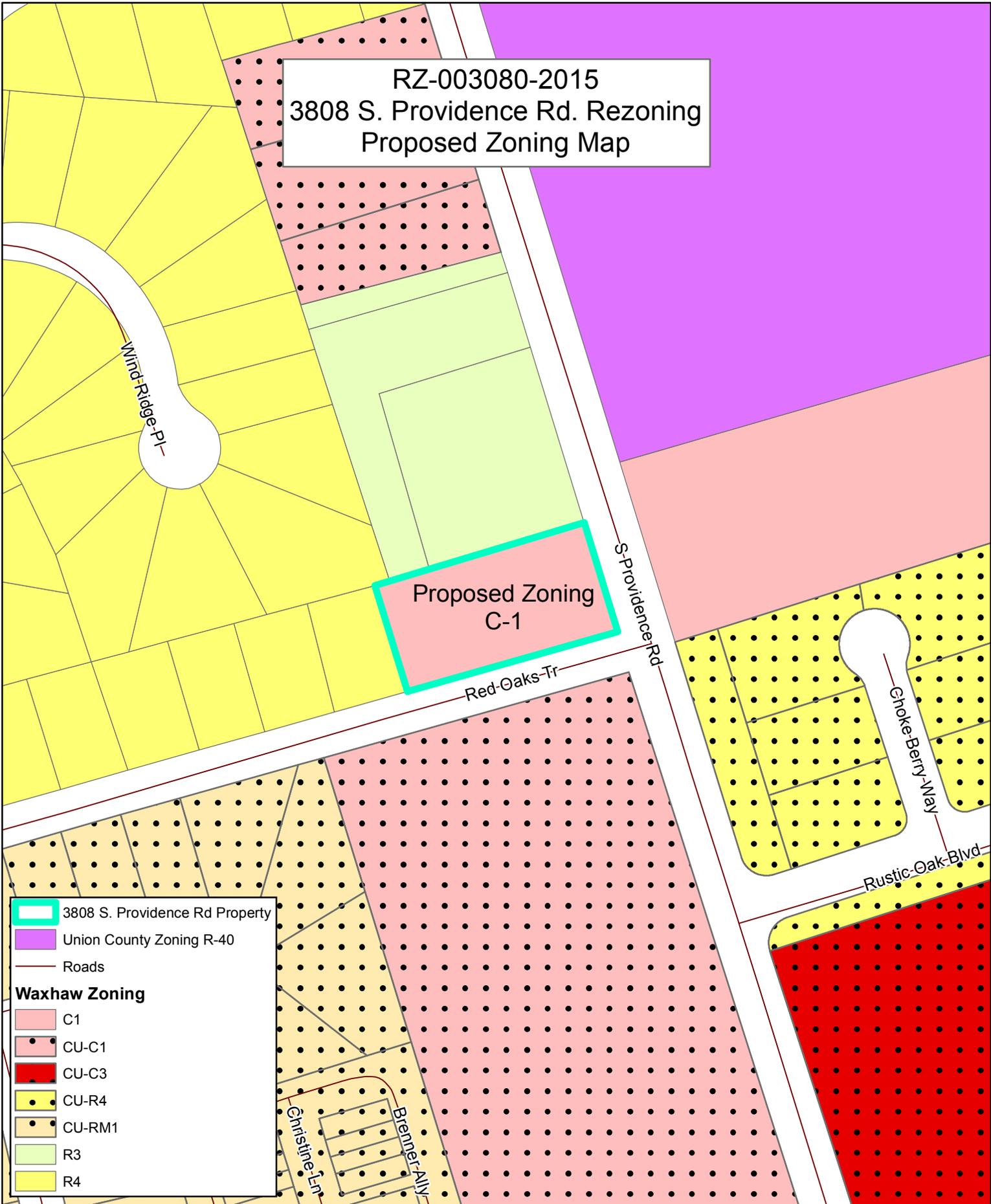
|                        |                                |
|------------------------|--------------------------------|
|                        | 3808 S. Providence Rd Property |
|                        | Town Boundary                  |
|                        | Highways                       |
|                        | HWY 16 Corridor Buffer         |
|                        | Parcels                        |
|                        | Roads                          |
| <b>Future Land Use</b> |                                |
|                        | Mixed Use Residential          |
|                        | Commercial/Retail              |
|                        | Medium Density Residential     |



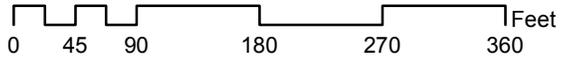
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RZ-003080-2015  
 3808 S. Providence Rd. Rezoning  
 Proposed Zoning Map



- 3808 S. Providence Rd Property
- Union County Zoning R-40
- Roads
- Waxhaw Zoning**
- C1
- CU-C1
- CU-C3
- CU-R4
- CU-RM1
- R3
- R4



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**Text Amendment TA-003098-2015**  
**Revisions to Section 16.1.9 Effect of Denial on Subsequent Petitions and Section 16.2.11**  
**Twelve-Month Limitation on Re-application**

**EXPLANATION OF THE REQUEST**

Petition TA-003098-2015 is a request by staff, on behalf of the Board of Commissioners, to amend Section 16.1.9 Effect of Denial on Subsequent Petitions and Section 16.2.11 Twelve-month Limitation on Re-application of the Waxhaw Unified Development Ordinance to revise the requirements with regard to the twelve-month resubmission period on re-application after a denial of a rezoning or conditional rezoning application by the Board of Commissioners.

**STAFF REQUESTED UDO CHANGES**

**Section 16.1.9 Effect of Denial on Subsequent Petitions** (See attached language.)

**Section 16.2.11 Twelve-Month Limitation on Re-application** (See attached language.)

**PLANNING STAFF ANALYSIS**

Currently the Unified Development Ordinance does not allow for submission of a similar rezoning application or conditional rezoning application or resubmission of a revised application prior to the expiration of a twelve month resubmission period after a denial by the Board of Commissioners. The only opportunity to avoid the twelve month resubmission period is in the case of a conditional rezoning request that has been significantly changed.

During consideration of a previous application by the Board of Commissioners, it was determined by the Board that there may be certain instances where the twelve month resubmission period on an application or re-application should be waived after a denial. The Board of Commissioners instructed the staff to draft a text amendment that would address this issue. Staff researched other municipalities in North Carolina to find out if they waive the requirement under certain conditions and several municipalities had criteria for waiving the resubmission period. All of them used similar criteria when determining whether to waive the requirement or not. The text amendment draft incorporates these criteria into Section 16.1.9 and Section 16.2. The proposed text amendment, if approved, will give the Administrator the authority to waive the twelve month restriction period if one or more of the following has occurred:

- A. There has been a significant change in the zoning district classification of an adjacent piece of property.
- B. The Town has adopted a plan that changes policy regarding how the property affected by the amendment should be developed.
- C. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification.

**PLANNING STAFF RECOMMENDATION**

Staff recommends approval of TA-003098-2015. The proposed revisions to Section 16.1.9 and Section 16.2.11 will allow the Administrator to waive the twelve month resubmission period if certain criteria are met.

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Submitted by: Chris Rice, Planner II

## Amendments to Section 16 of the Unified Development Ordinance

### 16.1.9 Effect of Denial on Subsequent Petitions

When the Board of Commissioners shall have denied a map application or the application shall have been withdrawn after the first notice of the public hearing thereon, the Board of Commissioners shall not entertain another application for the same or similar map amendment, affecting the same property or a portion of it until the expiration of a one year period, extending from the date of denial or withdrawal, as applicable. ~~Provided, however, one additional application may be made before the expiration of the one year period~~ This waiting period shall not be applicable for the same property or a portion of it if the first application was not for a Conditional Zoning District and the second application is for a Zoning District designated as a Conditional Zoning District or the Administrator determines at least one of the following has occurred:

- A. There has been a significant change in the zoning district classification of an adjacent piece of property.
- B. The Town has adopted a plan that changes policy regarding how the property affected by the amendment should be developed.
- C. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification.

### 16.2.11 Twelve-Month Limitation on Re-application

If a request for rezoning to conditional zoning is denied by the Board of Commissioners, a similar application for the same property or any portion thereof shall not be filed until the expiration of a twelve (12) month period from the date of the most recent denial by the Board of Commissioners. This waiting period shall not be applicable where the application for a conditional zoning is substantially different from the original application or the Administrator determines that at least one of the following has occurred:

- A. There has been a significant change in the zoning district classification of an adjacent piece of property.
- B. The Town has adopted a plan that changes policy regarding how the property affected by the amendment should be developed.
- C. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification.

The term "substantially different" as herein applied shall mean:

- A. The proposed principal use is different than the use contained in the original application; or
- B. The gross floor area of the proposed development is fifty (50) percent or more smaller than contained in the original application.

**Minutes of the Waxhaw Planning Board  
Town of Waxhaw, NC  
January 20, 2015**

The Waxhaw Planning Board met in a special session Tuesday, January 20, 2015 at 6:30 p.m. at the Waxhaw Police Department Community Room.

**Special Called Meeting**

**1. Call to Order**

David Godfrey called the meeting to order at 6:30 pm.

**2. Roll Call and Determination of Quorum**

A roll call and determination of quorum was made.

Present: Chairman Godfrey, Vice-Chairman Underwood, John Cannamela, Michael Kreimer, Fred Burrell, Staff Rice, Staff Oakley, Interim Manager Mahar, and Recording Secretary Oliver.

Absent: James Mathieson, Thomas Dwyer, Dan Gingrich, and Bob Morgan.

**3. Work Session**

NONE

**4. Unfinished Business**

NONE

**5. New Business**

A. TA-003036-2014 - A request by J. Mark Fisher to amend Section 11.77.A.1 Planned Residential Developments of the Town of Waxhaw Unified Development Ordinance to decrease the minimum tract size required for a Planned Residential Development (PRD) in the R-3 zoning district from 50 acres to 20 acres. In addition, staff is proposing revisions to Sections 11.77.A.2 and 11.77.A.3 to reduce the required minimum tract size for a PRD in the R-4 and RM-1 zoning districts.

Staff Oliver gave a presentation on TA-003036-2014 (see attached).

Chairman Godfrey asked why staff did not propose to remove the minimum required tract size. Staff Oliver explained that staff felt the Board of Commissioners would be more comfortable with a reduction than an elimination of a minimum tract size.

John Cannamela asked if the case was a variance. Staff Oakley stated that it was not a variance.

Staff Oakley explained the history of the text amendment and the reduction to the minimum tract size that was requested by the developer of the Millbridge subdivision and passed in May of 2013.

Fred Burrell stated that he has an issue with reducing the minimum required tract size while the comprehensive plan is being rewritten. He asked what the benefit of reducing the minimum tract size for Planned Residential Developments was for Waxhaw. He stated that he does not understand the logic behind the text amendment. He also stated that the UDO should be streamlined and better thought out.

Staff Oakley explained that the subdivision ordinance is in the process of being rewritten and that Planned Residential Developments will be replaced by cluster subdivisions. She explained the concept of a cluster subdivision and why it promotes smart growth and reduces sprawl.

The text amendment applicant, Mark Fisher, explained the reasoning as to why he proposed the text amendment. He presented some research he gathered about PRD requirements in surrounding communities and all communities that he researched required either no minimum tract size or minimums of 10 or 15 acres.

Fred Burrell asked Mark Fisher what the time frame would be for his proposed development. Mark Fisher stated that it would be about 12 months before construction would begin.

Michael Kreimer stated that he appreciates Staff Oakley's explanation of cluster subdivisions.

**Vice-Chairman Underwood motioned to send favorable for TA-003036-2014 to the Board of Commissioners. Chairman Godfrey seconded. The motion passed, (3-2).**

Michael Kreimer abstained from voting. An abstention is counted as an affirmative vote.

Fred stated that he feels staff did not give the text amendment enough consideration with regard to the comprehensive plan rewrite. He stated that he feels there may be unintended consequences.

Michael Kreimer stated that he did not have enough information to make a decision, therefore he did not vote.

John Cannamela stated that he was not sure about the numbers and why 20 acres was proposed. He stated that he needs more information to decide whether or not the text amendment is good for Waxhaw.

- B. RZ-003035-2014 - A request by Neil Gimon, on behalf of Bill and Holly Stewart, for a rezoning/map amendment on parcel 05-113-034 from NMX (Neighborhood Mixed Use) to TC (Town Center) located at 116 McDonald Street.

Staff Rice gave a presentation on RZ-003035-2014 (see attached).

Michael Kreimer asked if the applicant wanted to rezone the property to allow for a light industrial use. Staff Rice stated that the proposed use is for a microbrewery and restaurant. Staff Rice stated that the microbrewery would fall under the classification of light industrial.

Fred Burrell stated that there are several doughnut holes in the Town Center (TC) zoning where Neighborhood Mixed Use (NMX) is in place. Staff Rice stated that during the initial Downtown Code rezoning some of the property owners requested to be zoned to NMX rather than TC.

John Cannamela asked what else could be put on that site if it was not developed as a brewery. Staff Rice stated that light industrial uses allowed in the TC district could not produce any fumes or noise and would include things like art studios and light manufacturing of things such as clothing.

The applicants, William and Holly Stewart, stated that they initially wanted to remain in the NMX district so that they could possibly live upstairs or rent out the living quarters of their business if they needed to.

**Michael Kreimer motioned to send a favorable recommendation for RZ-003035-2014 to the Board of Commissioners. Vice-Chairman Underwood seconded. The motion passed unanimously, (5-0).**

- C. RZ-003043-2015 – A request by the Town of Waxhaw Planning & Community Development Department, on behalf of the Town of Waxhaw Board of Commissioners, for a rezoning/map amendment (for initial zoning) on approximately 18.571 acres, including 5.389 acres of right-of-way for Kensington Drive, (a portion of Tax Parcel ID number 06-162-001) located on the west side of Kensington Drive across from the Union County Public Works sewer treatment plant. The proposed zoning for the site is R-3.

Staff Rice gave a presentation on RZ-003043-2015 (see attached).

Fred Burrell stated that he was in favor of finishing the Kensington Drive project and that he understands that staff is proposing to rezone the property to R-3 to allow for a

park. He stated that he was concerned that the town could at a later date, sell the property and housing could be developed by right under the R-3 zoning district.

Town Attorney, Chaplin Spencer, stated that there is a deed restriction placed on the property that only allows it to be developed for public uses and preservation.

**Fred Burrell motioned to send a favorable recommendation to the Board of Commissioners for RZ-003043-2015. Michael Kreimer seconded. The motion passed unanimously, (5-0).**

- D. VA-003046-2015 - A request by the Town of Waxhaw for a subdivision variance from Sections 18.4, 18.4.1.D, 18.9 and 18.10.6 of the Waxhaw Unified Development Ordinance to allow the Town Board of Commissioners to accept dedication of Kensington Road (from Hwy. 16 to Waxhaw Marvin Road) as a public road while not meeting all of the requirements of the Town's subdivision regulations.

Staff Oakley gave a presentation on VA-003046-2015 (see attached).

Attorney Spencer stated that the findings of fact were proposed by the applicant. He stated the Planning Board does not need to vote on the individual findings of fact but to simply give a favorable or unfavorable recommendation on the variance as a whole.

Attorney Spencer explained the normal road dedication and acceptance process and the issues that lead to the situation that the town is now in with Kensington Drive. He stated that the town has the right to choose whether or not to accept a road after the plat has been recorded.

Attorney Spencer stated that public funds cannot be used to fix a private road and that the town must approve the variance in order to use Powell Bill funds to help pay for the improvements along the entire length of Kensington Drive. He stated that Wells Fargo Bank has volunteered to contribute 400 thousand dollars to the project as they were the bank that took over ownership of the road after the original developer went bankrupt.

Chaplin recommended that the Planning Board send a favorable to the Board of Commissioners on the variance.

John Cannamela asked what would happen in regards to the road if the Board of Commissioners does not approve the variance. Attorney Spencer stated that if the variance is denied, the road will continue to deteriorate and parts of the road could be closed because of dangerous conditions.

Fred Burrell stated that several of the neighborhoods have threatened to petition de-annexation if Waxhaw does not take responsibility for the road. Fred Burrell stated that that there are obviously costs associated with repairing the road but the costs are innumerable if the town does not repair the road.

Fred Burrell thanked everyone involved in working out a solution to the issues with Kensington Drive.

Attorney Spencer stated that this issue has been on the table for several years but now the pieces have fallen into place to move forward on the project.

**Fred Burrell motioned that the proposed variance meets the findings of fact and to send a favorable recommendation for VA-003046-2015 to the Board of Commissioners. Michael Kreimer seconded. The motion passed unanimously, (5-0).**

**6. Other Business - Update on previous case(s) heard by the Planning Board**

Staff Oakley stated that there was not a Planning Board meeting in November and that the case heard in December has gone to public hearing but a decision has not been made. She stated that the applicant of the Berger Day Care case, heard in October, delayed the case by a couple of months but that a public hearing was just held on the case at the last Board of Commissioners meeting.

**7. Minutes for correction and approval: December 15, 2014 regular meeting**

**Vice-Chair Underwood motioned to approve the minutes from the December 15, 2014 regular meeting. John Cannamela seconded. The motion passed unanimously, (5-0).**

**8. Adjournment**

**John Cannamela motioned to adjourn the meeting at 7:27 p.m. Fred Burrell seconded. The motion passed unanimously, (5-0).**

The meeting adjourned at 7:27 p.m.

Respectfully Submitted,

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Chairman, David Godfrey

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Recording Secretary, Maxx Oliver

## Town of Waxhaw Planning Board

Waxhaw Police Department Community Meeting Room  
Tuesday January 20, 2015

## TA-003036-2014 Planned Residential Developments

Petition TA-003036-2014 is a request by J. Mark Fisher to amend *Section 11.77.A.1 Planned Residential Developments* of the Town of Waxhaw Unified Development Ordinance to decrease the minimum tract size required for a Planned Residential Development (PRD) in the R-3 zoning district from 50 acres to 20 acres. In addition, staff is proposing revisions to Sections *11.77.A.2 and 11.77.A.3* to reduce the required minimum tract size for a PRD in the R-4 and RM-1 zoning districts.

## Background

- The UDO requires a minimum tract size of 50 acres for Planned Residential Developments in all zoning districts in which PRDs are permitted, R-3, R-4, and RM-1.
- In May of 2013 the Waxhaw Board of Commissioners approved a text amendment that reduced the minimum tract size required for a PRD in the R-4 and RM-1 zoning districts.

## Section 11.77.A.1

The tract containing the P.R.D. shall be a minimum of  ~~fifty twenty~~ **(20)** acres in area. Housing unit types within a P.R.D. shall be limited to detached single-family dwellings and townhomes. No single-family detached lot in a R-3 P.R.D. shall have an area of less than ten-thousand (10,000) square feet. The townhouse portion of a P.R.D. shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent properties, unless the adjoining property is non-residentially zoned.

## Section 11.77.A.2

The tract containing the P.R.D. shall be a minimum of ~~forty~~ **twenty** (~~50~~) (**20**) acres in area. Housing unit types within a P.R.D. shall be limited to detached single-family dwellings and townhomes. No single-family detached lot in a R-4 P.R.D. shall have an area of less than six-thousand (6,000) square feet. The townhouse portion of a P.R.D. shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent properties, unless the adjoining property is non-residentially zoned.

## Section 11.77.A.3

3. RM-1: The tract containing a P.R.D. shall have a minimum area of ~~forty~~ **twenty** (~~50~~) (**20**) acres. The maximum density of a P.R.D. shall be 4.5 units per acre. The density yield (i.e., the maximum number of units allowed on the tract) shall be based on the amount of "developable" land within the tract. Lands that cannot be developed due to physical limitations or have other physical constraints (i.e., ponds, lakes, other bodies of water, HUD designated floodways, wetlands, areas with steep slopes) shall not be included in determining the yield of the tract in question. For instance, if there were a 100-acre tract that was to be developed for a P.R.D. and tract contained a 20-acre lake, only eighty (80) acres of land would be considered as being developable and used in calculating maximum density. It will be the responsibility of the applicant to provide density yield data for the proposed P.R.D. in order for the Town to consider an application for a P.R.D.

## Research

- York County – Planned Development – 40 acre minimum
- Durham – Planned Residential Development – 2 acre minimum (urban tier) 4 acre minimum (suburban tier)
- Franklin County – Planned Unit Development – 25 acre minimum
- Cornelious – Cluster Subdivision – No Minimum
- Matthews – Cluster Subdivision – 10 acre minimum
- Huntersville – Cluster Subdivision – 10 acre minimum
- Pineville – Planned Development/Cluster – No Minimum
- Mint Hill – Cluster Subdivision – 20 acre minimum

## Planning Staff Recommendation

Planning Staff recommends approval of TA-003036-2014. Staff feels that the proposed amendment is minimal in nature and will encourage the development of thoughtful well designed residential neighborhoods that will provide a mixture of housing types.

### Petition RZ-003035-2014

A request by Neil Gimon, on behalf of Bill and Holly Stewart, for a rezoning/map amendment on parcel 05-113-034 from NMX (Neighborhood Mixed Use) to TC (Town Center) located at 116 McDonald Street.





### LOCATION AND CURRENT LAND USE

The property is located at 116 McDonald Street and has frontage on McDonald Street and N. Church Street. The property is currently in use as an art gallery and art studio. The property is 0.316 acres in size.

### PROPERTY HISTORY

The subject property is zoned NMX (Neighborhood Mixed Use). The NMX zoning was placed on the property as part of the Downtown Code rezoning approved by the Board of Commissioners on November 12, 2013. Previously the property was zoned C-4 (Central Business District).

### 2030 COMPREHENSIVE PLAN & FUTURE LAND USE MAP

The Future Land Use Map from the 2030 Comprehensive Plan shows the property as Historic Downtown. Historic Downtown is described in the plan as follows:

*“This area incorporates the historic structures, civic uses, commercial opportunities, and the active environment that is the downtown core of Waxhaw. The core commercial areas are to be preserved and enhanced over the long-term and should provide mixed-use opportunities that include commercial, office, and institutional uses, and some residential uses.”*

The TC zoning is in keeping with the Historic Downtown description in the 2030 Comprehensive Plan and Future Land Use Map, which includes both residential and commercial uses.

### PLANNING STAFF ANALYSIS

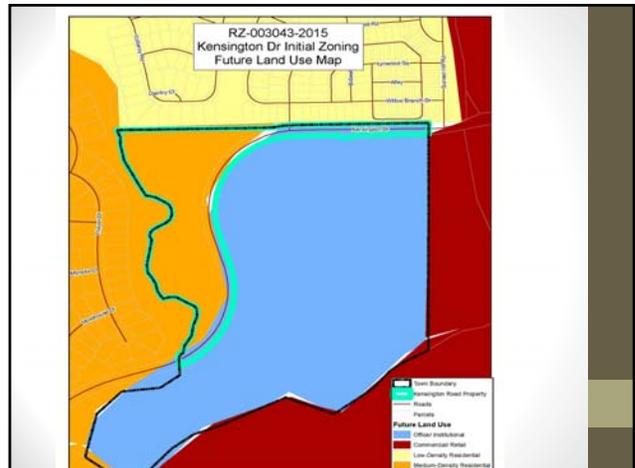
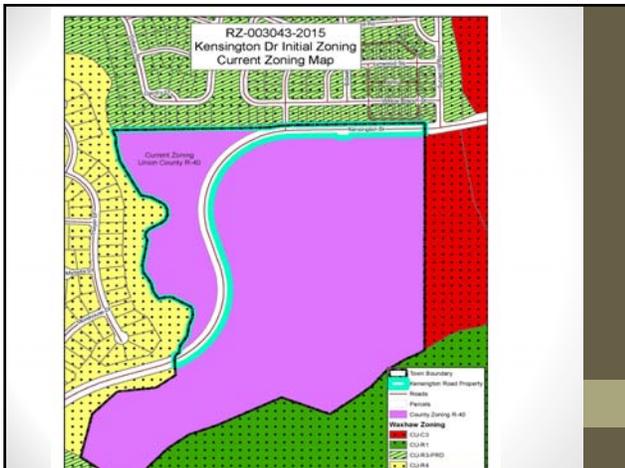
The rezoning request is in keeping with the 2030 Comprehensive Plan and Future Land Use Map which shows the property as Historic Downtown. Although the Regulating Plan from the Downtown Waxhaw Vision Plan depicts the property as NMX, the property abuts TC zoned properties so TC zoning for this parcel would not constitute spot zoning. TC zoning would allow for uniformity in the area as properties are developed and redeveloped over time.

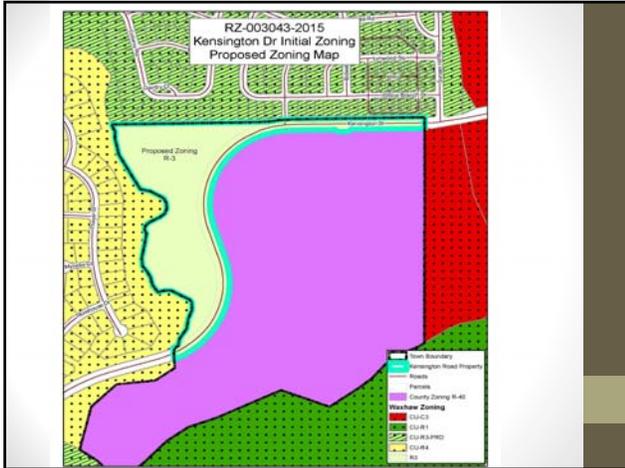
### PLANNING STAFF RECOMMENDATION

Staff recommends approval of the proposed rezoning RZ-003035-2014.

## RZ-003043-2015

A request by the Town of Waxhaw Planning & Community Development Department, on behalf of the Town of Waxhaw Board of Commissioners, for a rezoning/map amendment (for initial zoning) on approximately 18.571 acres, including 5.389 acres of right-of-way for Kensington Drive, (a portion of Tax Parcel ID number 06-162-001) located on the west side of Kensington Drive across from the Union County Public Works sewer treatment plant. The proposed zoning for the site is R-3.





## LOCATION AND CURRENT LAND USE

The property is located on the west side of Kensington Drive across from the Union County Public Works sewer treatment plant. Kensington Drive is located on this portion of the property.

## 2030 COMPREHENSIVE PLAN & FUTURE LAND USE MAP

The Future Land Use Map contained in the 2030 Comprehensive Plan identifies the subject site as Medium-Density Residential. Chapter 4 of the Comprehensive Plan states the following regarding Medium Density Residential:

*“These areas include existing and future areas for development of more dense residential neighborhoods that provide a diversity of housing types and housing options. Areas include single-family detached units, mobile homes, townhouses, duplexes, condominiums, apartments, senior housing, and other multi-family dwelling units, depending upon the character of existing neighborhoods. Housing densities should range from 3-8 dwelling units per acre. Other types of uses that may occur are schools, parks, and some neighborhood commercial uses, such as coffee shops and small corner grocery stores.”*

Based on the description of Medium-Density Residential the most compatible zoning district for this property in the Town of Waxhaw is R-4.

## PLANNING STAFF ANALYSIS

The Waxhaw Future Land Use Plan, contained in the 2030 Comprehensive Plan, shows Medium-Density Residential as the future land use for this property. Housing densities for Medium-Density Residential range from 3 to 8 dwelling units per acre. This is most closely matched by the Waxhaw R-4 zoning district, which requires a minimum lot size of 12,000 square feet. This is compatible to the adjacent properties to the north and west of the property which are developed with densities that are consistent with medium density residential development.

## PLANNING STAFF RECOMMENDATION

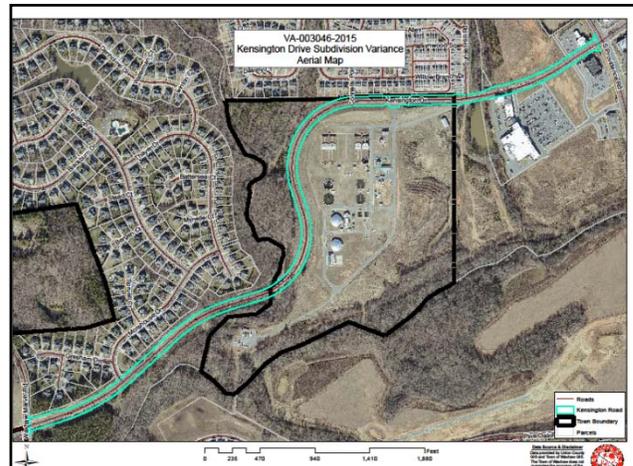
Planning Staff recommends approval of RZ-003043-2015, for the initial zoning from Union County R-40 to Town of Waxhaw R3 for the portion of parcel 06-162-001 which is to be annexed into the Town. R3, which requires a 20,000 square foot minimum lot size, will be a compromise between the 40,000 square foot minimum lot size required currently under the Union County R-40 regulations and the Waxhaw 2030 Comprehensive Plan recommended R4 which requires a 12,000 square foot minimum lot size.

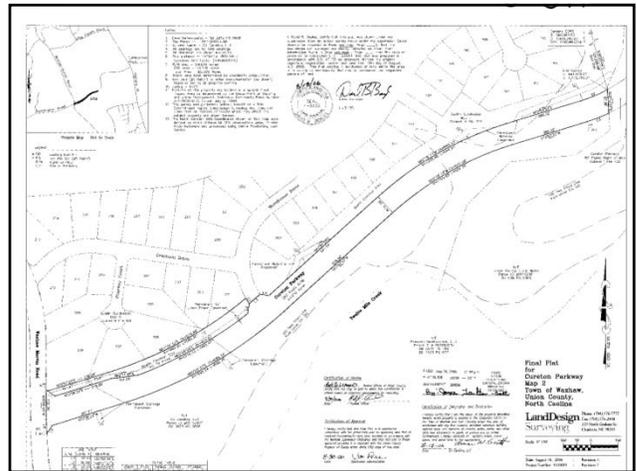
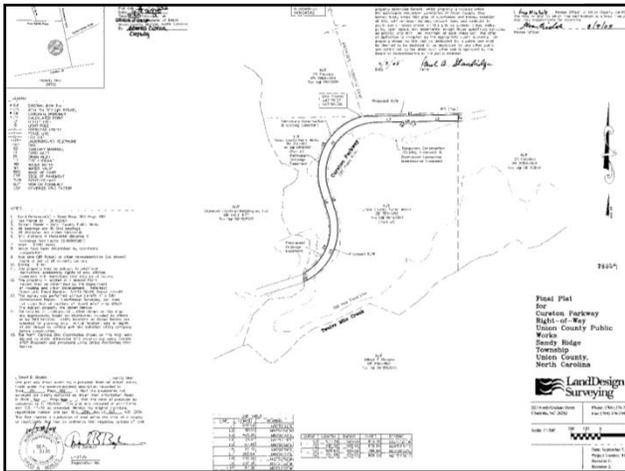
## VA-003046-2015

A request by the Town of Waxhaw for a subdivision variance from Sections 18.4, 18.4.1.D, 18.9 and 18.10.6 of the Waxhaw Unified Development Ordinance to allow the Town Board of Commissioners to accept dedication of Kensington Road (from Hwy. 16 to Waxhaw Marvin Road) as a public road while not meeting all of the requirements of the Town's subdivision regulations.

## Variances

- Official permission from a Town Board to depart from the requirements of the Unified Development Ordinance.
  - Most variances are reviewed and decided upon by the Board of Adjustment.
- 
- Section 18.11 states the Town Board may authorize a variance from the regulations contained in this Section (*Subdivision Regulations*), if, in its opinion, undue hardship may result from strict compliance with these regulations. Such variance shall be granted only to the extent that it is absolutely necessary and not to an extent which would violate the intent of this Ordinance.
  - When considering a subdivision variance, the Planning Board shall first consider the subdivision variance request and then make a recommendation to the Town Board.





## Kensington Road History

- In 2009, the Town staff started working with the original developer of the Cureton Shopping Center, Cureton subdivision and Quellin on street acceptance of Kensington Drive. Staff noted several issues with the existing road and relayed them to the developer. Shortly thereafter the developer went bankrupt and the issues were not fixed with the road.
- Wells Fargo Bank acquired most of the commercial land (including undeveloped tracts) in the Cureton Shopping Center and started working with staff to resolve the road issues.

## Kensington Road History

- Wells Fargo has agreed to make another monetary contribution (in the amount of \$400,000.00) to assist with the repair of the road; however it will not cover all of the expenses. Also, much of the repairs are needed outside of the boundary of the Wells Fargo tracts (in the Cureton Shopping Center).
- The original developer no longer exists and the town is facing several issues with the road. Not only does the road need to be repaired (or possibly reconstructed), it also does not meet current town standards. The required maintenance bond if the road were to be accepted is impractical as the road will likely be repaired after the road is accepted and eligible for state street funding.

## Variance Request

On Dec. 31, 2014, the town filed a subdivision variance application requesting the following variances:

- Section 18.4 (improvements installed according to town standards)
- Section 18.4.1.D (maintenance bond requirements)
- Section 18.9 (general street requirements such as sidewalks, pavements widths, grades and horizontal curves)
- Section 18.10.6 (street lighting requirements)

### Reason for Seeking the Variance

Kensington Drive is an integral part of the Town's transportation system. The major developers of Kensington Drive went bankrupt and thus failed to petition the Town for acceptance. The road was dedicated and has been used by the public for years contributing to deterioration. Increased public use beyond original approved design will require additional upgrades. Wells Fargo, as successor in interest to one of the developers, has agreed to pay \$400,000 towards street improvements and upgrades.

## Findings of Fact

1. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of his land.

*This is the most used private road in the Town. Kensington Drive is necessary for general public use and has been used by the public for years. The Town will likely make road improvements to Kensington Drive because of the increased public use.*

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

*As a private road, it could be closed which would deprive the public and the Town reasonable access to their properties. Bonding requirements are impractical with the age the road and likely future improvements to assist with the increased use of Kensington Drive.*

## Findings of Fact

3. The circumstances giving rise to the need of the variance are peculiar to the tract in question and are generally not characteristics of other tracts in Waxhaw.

*Most of the original developers went bankrupt and failed to petition Kensington Drive for public acceptance during original development. There are not many properties with significant public use that are accessed through a private road.*

4. The granting of the variance will not be detrimental to the public health, welfare and safety.

*Granting the variance will allow the road to become a municipal road subject to Town law enforcement and eligible for public maintenance funds.*

5. The variance will not vary any of the provisions of this Ordinance outside of those contained in Section 18 herein.

*This variance only applies to acceptance of a street and will not affect other UDO provisions.*

## Planning Staff Analysis

The town is requesting several subdivision variances, including Sections 18.4 (improvements installed according to town standards), 18.4.1.D (maintenance bond requirement), 18.9 (general street requirements) and 18.10.6 (street lighting requirements).

The original developer of the Cureton Shopping Center, Cureton subdivision and Quellin subdivision depicted Kensington Drive as a public Right-of-Way on several plats; however they did not follow through with having the road accepted by the town for acceptance and maintenance prior to filing bankruptcy. The town is in a unique position as the road is being used by thousands of cars every day contributing to the deterioration of it with no one claiming ownership or responsibility for it.

## Planning Staff Analysis

The town is requesting several variances in order to allow the Town Board of Commissioners to accept dedication of the road. Once the road is accepted as a town maintained road, the town can then access state funding for repairs and maintenance.

Planning staff recommends that the board consider each of the findings of fact when reviewing the application. If the Board feels that all of the findings are met, then staff recommends approval of VA-003046-2015.

## Findings of Fact

The Town Board may only approve a variance if each of the following findings is first made:

- A. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of his land.
- B. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C. The circumstances giving rise to the need of the variance are peculiar to the tract in question and are generally not characteristics of other tracts in Waxhaw.
- D. The granting of the variance will not be detrimental to the public health, welfare and safety.
- E. The variance will not vary any of the provisions of this Ordinance outside of those contained in Section 18 herein.

**18.4** - All site improvements shall be in accordance with applicable standards, including without limitation the provisions of this Ordinance, the standards of Union County Public Works Department (and all applicable rules, regulations, and policies of Union County), and the North Carolina Department of Transportation (and all applicable rules, regulations, and policies of NCDOT).

**18.4.1.D - Maintenance of Dedicated Areas until Acceptance**

Facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner for a warranty period of one year from the date of acceptance of dedication by the Town Commission. Notwithstanding the foregoing, the owner of any development containing streets or sidewalks intended for public dedication shall maintain the streets and/or sidewalks for a warranty period until 80% of the lots on the street petitioned for acceptance have received a Certificate of Occupancy.

In order to properly secure such maintenance and warranty, the owner of any development containing improvements intended for public dedication shall post a maintenance bond or other sufficient surety to guarantee that such improvements will be properly maintained until (i) the date that 80% of the lots on the street and/or sidewalk petitioned for acceptance have received a Certificate of Occupancy and (ii) one-year of formal acceptance by resolution of the Town of Waxhaw. The amount of the security shall be \$10,000 plus 5% of the cost of stone base, paving, curb & gutter, sidewalk and street trees. The owner shall provide information sufficient for the Town of Waxhaw Zoning Administrator to determine the actual cost of such improvements. If the surety/bond described herein is not provided, the Town of Waxhaw may not issue Zoning Permits to any properties on the said street(s) without (i) a showing of undue hardship (ii) the grant will not materially affect the Town's future enforcement of this provision on the improvements at issue; (iii) approval by both the Zoning Administrator and the Director of Planning and Community Development; and (iv) compliance with any policy adopted by the Board of Commissioners related to maintenance of dedicated areas. The Zoning Administrator may relieve the owner of the requirements of this Section, if it determines that a property owners association has been established for the development, and that this association has requested responsibility for the subject improvements, and is capable of performing the obligations set forth in Section 18.4.1 above. The Zoning Administrator may require the property owners association post the bond referred to above.

The above bond/surety shall be posted with the Town of Waxhaw prior to the release of any Guarantee Surety referred to in Section 18.4.1.A (1) and (2). The Town shall have the right to increase the warranty period for atypical construction materials or construction techniques or sub-standard construction.

No street shall be petitioned for acceptance of dedication until sixty percent (60%) of the lots on the street have been issued a Certificate of Occupancy by the Town of Waxhaw.

Prior to the expiration of the maintenance guarantee instrument, any defects in workmanship and/or materials shall be repaired to the satisfaction of the Zoning Administrator or his/her designee. Any repairs not completed within thirty (30) days prior to the expiration of the maintenance guarantee shall require the renewal of the maintenance guarantee. The Town shall, upon final acceptance at the end of the applicable warranty period, release the applicant's bond or letter of credit.

**18.9 - 1. General Requirements**

**E. Site Improvement Standards**  
All site improvements shall be done in accordance with standards established by the Town of Waxhaw. Plans for such improvement shall be approved prior to any site work commencement.

**F. Sidewalks**  
Sidewalks shall be required in subdivisions on both sides of the street and on the perimeter of the development along any existing streets. Sidewalks shall provide public access and be dedicated to the Town upon request. All sidewalks shall be connected to existing sidewalks within 500 feet. Sidewalks should be located within the street right-of-way. In order for a sidewalk to be located outside the public right-of-way, the Zoning Administrator must approve the location and an approved sidewalk easement must be recorded with the Union County Register of Deeds prior to issuance of final Zoning Compliance.

1. On all thoroughfare, collector, and commercial streets where sidewalks are provided, there shall be a planting strip placed between the inner edge of the sidewalk and the outer edge of the curb. Said planting strip shall be a minimum of five (5) feet in depth. All sidewalks shall otherwise be built in compliance with current NCDOT Standards for sidewalks in public rights-of-way.
2. The Administrator, in approving plats, shall have the ability to waive or modify the requirements of this Section in particular situations where strict application would serve no meaningful purpose.

**2. Streets**

**F. Right-of-Way Widths**  
Minimum street right-of-way widths shall not be less than the following:

|                      |          |
|----------------------|----------|
| Major thoroughfares- | 120 feet |
| Minor thoroughfares- | 80 feet  |
| Collectors-          | 50 feet  |
| Local streets-       | 40 feet  |
| Cul-de-sacs-         | 87 feet  |

**G. Pavement Widths**  
Minimal pavement widths shall be in accordance with the standards of the North Carolina Department of Transportation except that the end of any cul-de-sac street shall have a minimum pavement width (i.e., diameter) of sixty-seven (67) feet.

**H. Grades**

1. Street grades shall not be less than one (1) percent.
2. Grades approaching intersections shall not exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection. This requirement shall only apply to the road required to stop at the intersection.

**I. Horizontal Curves**  
Where a centerline deflection angle of more than ten (10) degrees occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

- Major thoroughfare - 500 feet
- Minor thoroughfare & collectors - 300 feet
- Local streets - 150 feet

**J. Vertical Curves**  
All vertical curves shall have such length as necessary to provide safe sight distance.

**N. Street Construction and Curb and Gutter**  
Except as may otherwise be provided in this Ordinance, all streets within the proposed subdivision shall be graded and paved by the developer in accordance with Town of Waxhaw typical design standard for paved streets. Curb and gutter shall be required on all new subdivision road segments. All associated storm drainage is to be contained within the street right-of-way and shall be in accordance with the Town of Waxhaw Stormwater Design Manual.

Proof rolls are required for streets and curb and gutter. A proof roll is a method used by a municipality to test the subgrade soil strength for any deflection that would identify poor weight bearing capacity of a soil prior to the installation of a road or street. Proof rolling identifies areas of poor compaction, high moisture content that is indicated by the truck tires "pumping" as it passes over the soil and areas where organic material may be present.

Town of Waxhaw staff must be present to observe proof rolls. General guidelines and procedures for proof rolls are outlined in the *Proof Roll Guidelines* document. The property owner is responsible for the associated proof roll fee as delineated in the Town of Waxhaw *Proof Roll Guidelines*.

**18.10.6 Street Lighting**  
All public streets, sidewalks, and other common areas or facilities in subdivisions shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.

A. Streetlights shall be rated a minimum of 9500-lumen, and shall be 100 watt high pressure sodium vapor located at all intersections and mid-block locations with intervals not exceeding 250 feet.

**B. All roads, driveways, sidewalks, parking lots, and other common areas and facilities in un-subdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.**

**C. All entrances and exits in substantial buildings used for non-residential purposes and in multi-family residential dwellings containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the building.**

Streetlights, poles and brackets are to be decorative and shall be subject to approval in the preliminary plat. Where feasible and practical, street light varieties shall be the same throughout the subdivision or individual phases of the subdivision.

All streetlights shall be placed at least two (2) feet inward (i.e., away from the street) from the sidewalk.